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सं. 12]

नई दिल्ली, मार्च 18—मार्च 24, 2012, शनिवार/फाल्गुन 28—चैत्र 4, 1934

No. 12]

NEW DELHI, MARCH 18—MARCH 24, 2012, SATURDAY/PHALGUNA 28—CHAITRA 4, 1934

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 मार्च, 2012

का.आ. 1112.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम संख्या 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए त्रिपुरा राज्य के अगरतला में दिल्ली विशेष पुलिस स्थापना (सी.बी.आई.) द्वारा संस्थापित मामले जो कि उन्हें के. अ. ब्यूरो द्वारा सौंपे गए हैं, परीक्षण न्यायालयों तथा अपीलों/पुनरीक्षणों या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामलों का संचालन करने के लिए निम्नोक्त वकीलों को विशेष लोक अभियोजक के रूप में नियुक्त करती है :—

सर्वश्री

1. रखाल चन्द्र देबनाथ
2. प्रबीर साहा

[फा. सं. 225/6/2012-एवीडी-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
New Delhi, the 14th March, 2012

S.O. 1112.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates as Special Public Prosecutor for conducting the prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Tripura at Agartala as entrusted to them by the Central Bureau of Investigation in the trial courts and appeals/revision or other matters arising out of these cases in the revisional or appellate courts established by law :—

S/Shri

1. Rakhal Chandra Debnath
2. Prabir Saha

[F. No. 225/6/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 15 मार्च, 2012

का.आ. 1113.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तमिलनाडु राज्य सरकार, गृह (एससी) विभाग, फोर्ट सेंट जार्ज, मद्रास के दिनांक 22-7-1992 के पत्र सं. एससी/2385-4/91 द्वारा प्राप्त सहमति से विजया बैंक, मायलापोर शाखा, चैन्नई को 36,39,89,241-रुपये की कथित धोखाधड़ी करके अनुचित हानि पहुंचाने के संबंध में मैसर्स टेलीडाटा इन्फोरमेटिक्स लिमिटेड, चैन्नई के प्रबंधन निदेशक, के पदमानाभन्, मैसर्स टेलीडाटा इन्फोरमेटिक्स लिमिटेड, चैन्नई के चेयरमैन श्री के. बालासुब्रह्मणियम, कम्पनी मैसर्स टेलीडाटा इन्फोरमेटिक्स लिमिटेड तथा अन्य व्यक्तियों के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 420 के साथ पठित धारा 120-बी के अधीन दंडनीय अपराध का प्रयास, दुष्प्रेरणा तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे सम्बद्ध षड्यंत्र तथा उसी संव्यवहार के दौरान किए गए उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण तमिलनाडु राज्य के संबंध में करती है।

[फा. सं. 228/12/2012-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 15th March, 2012.

S.O. 1113.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu, Home (SC) Department, Fort St. George, Madras vide letter No. SC/2385-4/91 dated 22-7-1992, hereby extends the power and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tamil Nadu for investigation of offences punishable under Sections 120-B read with 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) against K. Padmanabhan, Managing Director of M/s. Teledata Informatics Limited, Chennai, Shri K. Balasubramanian, Chariman M/s. Teledata Information Limited, Chennai, the company M/s. Teledata Informatics Limited and others relating to alleged fraud causing wrongful loss to the extent of Rs. 36,39,89,241 to Vijaya Bank, Mylapore Branch, Chennai, and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/12/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 19 मार्च, 2012

का.आ. 1114.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम संख्या 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए परीक्षण न्यायालयों तथा अपीलों, पुनरीक्षणों या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों में इन मामलों से उत्पन्न अन्य मामले जोकि दिल्ली विशेष पुलिस स्थापना (के.अ. ब्यूरो) द्वारा संस्थापित किए गए हैं, स्थानीय क्षेत्र जिसमें सारा उड़ीसा राज्य सम्मिलित है, में अभियोजन मामलों का संचालन करने के लिए निम्नोक्त वकीलों को के. अ. ब्यूरो के लोक अभियोजक के रूप में नियुक्त करती है :—

1. श्री कार्तिक चंद्र मोहंती
2. श्री उमेश चंद्र साहू
3. श्री प्रसन्ना कुमार पानी
4. श्री संदीप कुमार पटनाईक

[सं. 202/5/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 19th March, 2012

S.O. 1114.—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following Advocates in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the local area comprising the whole State of Orissa instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of these cases in revisional or appellate Courts, established by law :—

1. Shri Kartik Chandra Mohanty
2. Shri Umesh Chandra Sahu
3. Shir Prasanna Kumar Pani
4. Shri Sandip Kumar Pattnaik

[No. 202/5/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 21 मार्च, 2012

का.आ. 1115.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केरल राज्य सरकार, गृह (एसएसए) विभाग, तिरुअन्नतपुरम की दिनांक 29-02-2012 की अधिसूचना सं. 104357/एस.एस. ए-2/2011/गृह द्वारा प्राप्त सहमति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 34 के साथ पठित 489-बी और 489-सी के तहत पुलिस स्टेशन परसाला, त्रिवेन्द्रम, केरल में पंजीकृत मुकदमा सं. 1143/2011 (सी.बी. सीआईडी, ओसीडब्ल्यू-1, तिरुअन्नतपुरम यूनिट में अपराध के रूप में पुनः पंजीकृत अपराध सं. 937/सीआर/ओसीडब्ल्यू-1/टीवीपीएम/11) का तथा उपर्युक्त उल्लिखित अपराध के संबंध में या संबद्ध में प्रयास, दुष्प्रेरणा तथा षड्यंत्र तथा उसी संव्यवहार में किया गया या उन्हीं तथ्यों

से उद्भूत कोई अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों तथा क्षेत्राधिकार का विस्तार सम्पूर्ण केरल राज्य के सम्बन्ध में करती है।

[फा. सं. 228/3/2012-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 21st March, 2012

S.O. 1115.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Kerala Home (SS-A) Department, Thiruvananthapuram vide Notification No. 104357/SS A2/2011/Home dated 29-02-2012, hereby extends the power and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Kerala for investigation of Case No. 1143/2011 (re-registered as Crime No. 937/CR/OCW-1/TVPM/11 of the CB CID OCW-1, Thiruvananthapuram Unit) under Sections 489-B and 489-C read with 34 of the Indian Penal Code 1860 (Act No. 45 of 1860) registered at Police Station Parasala, Trivandrum, Kerala and attempt abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/3/2012-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद शुल्क, सीमा शुल्क के मुख्य आयुक्त का कार्यालय नागपुर क्षेत्र)

नागपुर, 14 मार्च, 2012

सं. 01/2011-सीमा शुल्क (एन टी)

का.आ. 1116.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग के सीमा-शुल्क अधिनियम, 1962 की धारा 152 के खंड (ए) के तहत जारी एवं अधिसूचना सं. 14/2002-सीमा-शुल्क (एनटी), दिनांक 7 मार्च 2002 (यथासंशोधित) के साथ पठित अधिसूचना सं. 33/94-सीमा-शुल्क (एनटी), दिनांक 1 जुलाई, 1994 यथासंशोधित में प्रदत्त शक्तियों का प्रयोग करते हुए मैं, हरजिंदर सिंह, मुख्य आयुक्त, केन्द्रीय उत्पाद एवं सीमा-शुल्क, नागपुर क्षेत्र, नागपुर एतद्वारा महाराष्ट्र राज्य के जलगांव जिले के धरणगांव तालुका में स्थित "एकलगन" गांव को सीमा-शुल्क अधिनियम, 1962 की धारा 9 के तहत एक भंडारण स्टेशन घोषित करता हूँ।

[फा. सं. VIII (सी.शु.) 17-94/सीसीयू/एनजैड/2011]

हरजिंदर सिंह, मुख्य आयुक्त

केन्द्रीय उत्पाद एवं सीमा-शुल्क

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE CHIEF COMMISSIONER CUSTOMS & CENTRAL EXCISE, NAGPUR ZONE)

Nagpur, the 14th March, 2012

No. 01/2011-Customs (N.T.)

S.O. 1116.—In exercise of the powers conferred by Notification No. 33/94-Customs (N.T.), dated the 1st July, 1994, as amended, of the Government of India, Ministry of Finance, Department of Revenue, issued under clause (a) of Section 152 of the Customs Act, 1962, read with Notification No. 14/2002-Cus.(NT) dated 7th March 2002, as amended, I Harjinder Singh, Chief Commissioner of Customs & Central Excise, Nagpur Zone, Nagpur hereby declare "Village Eklagna, Taluka Dharangaon, District Jalgaon in the State of Maharashtra" to be a Warehousing Station under Section 9 of the Customs Act, 1962.

[F. No. VIII (Cus.) 17-94/CCU/NZ/2011]

HARJINDER SINGH, Chief Commissioner
Customs & Central Excise

(कार्यालय मुख्य आयकर आयुक्त)

जोधपुर, 14 मार्च, 2012

सं. 8/41/2011-12

का.आ. 1117.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा "सत्रोदया शिक्षण संस्थान, डीडवाना रोड, चेनार, नागौर (राज.)" को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2011-12 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती संस्थान द्वारा एक प्रतिबद्धता (अंडर टेकिंग) की गयी है किस संस्था का कार्य केवल शिक्षा प्रसार ही होगा व इसके अलावा संस्था कोई कार्य नहीं करेगी। संस्था को यह सुनिश्चित करना है कि दी गई अन्डरटेकिंग का उल्लंघन न हो।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी राय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10(23ग) के साथ पठित 115खखग में परन्तुक 15 की शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।
7. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाय।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक)/जोध./2011-12/4704]

दिलीप शिवपुरी, मुख्य आयकर आयुक्त

(OFFICE OF THE CHIEF COMMISSIONER OF
INCOME TAX)

Jodhpur, the 14th March, 2012

No. 8/41/2011-12

S.O. 1117.—In exercise of the powers conferred by clause (vi) of section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve "Sarvodaya Sikshan Sansthan, Didwana Road, Chenar, Nagaur (Raj.);" for the purpose of the said section for the assessment year 2011-12 onwards, subject to the following conditions :—

1. The assessee with apply its income, or accumulate for application wholly and exclusively to educational purpose only. The Sanstha shall have to adhere to its under taking that the activities of the Sanstha shall be confined only to educational purpose. The Institute shall do no other activity except education.
2. The assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any

one or more of the forms or modes specified in sub-section (5) of section 11;

3. This order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. The assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to section 10(23C) r.w.s. 115BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO/(Tech.) /2011-12/4704]

DILEEP SHIVPURI, Chief Commissioner of Income Tax

जोधपुर, 15 मार्च, 2012

सं. 9/42/2011-12

का.आ. 1118.—आयकर अधिनियम 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (vi) के साथ पठित आयकर नियमावली-1962 के नियम 2 ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा "लिटिल फ्लोवर ऐजुकेशन सोसायटी, C/o बीकानेर बोएज स्कूल जयपुर रोड, बीकानेर (राज.)" को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2008-09 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :—

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती सोसायटी द्वारा एक प्रतिबद्धता (अंडर टेकिंग) की गयी है कि सोसायटी का कार्य केवल शिक्षा प्रसार ही होगा व इसके अलावा सोसायटी कोई कार्य नहीं करेगी। सोसायटी को यह सुनिश्चित करना है कि दी गई अन्डरटेकिंग का उल्लंघन न हो।
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक

से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जेवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हो।
4. कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसंपत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10 (23ग) के साथ पठित 115खखग में परन्तुक 15 की शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।
7. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाये।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक.)/जोध.2011-12/4717]

दिलीप शिवपुरी, मुख्य आयकर आयुक्त

Jodhpur, the 15th March, 2012

No. 9/42/2011-12

S.O. 1118.—In exercise of the powers conferred by clause (vi) of Section 10(23C) of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income Tax, Jodhpur hereby approve “Little Flower Education Society, C/o Bikaner Boys School, Jaipur Road, Bikaner (Raj.)” for the purpose of the said section for the assessment year 2008-09 onwards, subject to the following conditions:—

1. The assessee will apply its income, or accumulate for application wholly and exclusively to educational purpose only. The Society shall have to adhere to its undertaking that the activities of the Society shall be confined only to educational purpose. The Institute shall do no other activity except education.
2. The assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during

the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

3. This order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. The assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. That in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to Section 10(23C) r.w.s. 115BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO/(Tech.) Ju/2011-12/4717]

DILEEP SHIVPURI, Chief Commissioner of Income Tax

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 15 मार्च, 2012

का.आ. 1119.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा “संबंधित विनियामकों द्वारा प्रदत्त विनियामक संरचना के अनुरूप वित्तीय तथा गैर वित्तीय उत्पादों के प्रदर्शन तथा स्वचालित टेलर मशीनों के संबंध में भारतीय मानक विज्ञापन परिषद (एएससीआई) द्वारा निर्धारित संहिताओं और विनियमों के अध्यक्षीन” व्यवसाय के ऐसे रूप को विनिर्दिष्ट करती है जिसके अंतर्गत एक बैंककारी कंपनी के लिए इनका प्रयोग करना विधिसम्मत है।

[फा. सं. 11/16/2011-एफआई]

अरुण के. मिश्रा, अवर सचिव

(Department of Financial Services)

New Delhi, the 15th March, 2012

S.O. 1119.—In exercise of the powers conferred by clause (o) of sub-section (1) of Section 6 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby specifies “display of financial and non-financial

products conforming to the regulatory framework as provided by concerned Regulators and subject to Codes and Regulations laid down by Advertising Standards Council of India (ASCI) on the Automated Teller Machines” as a form of business in which it is lawful for a banking company to engage”.

[F.No. 11/16/2011-FI]

ARUN K. MISRA, Under Secy.

नई दिल्ली, 19 मार्च, 2012

का.आ. 1120.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इस अधिसूचना के जारी होने की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित व्यक्तियों को राष्ट्रीय आवास बैंक (एनएचबी) के निदेशक मण्डल में निदेशकों के पद पर नियुक्त करती है :-

1. प्रधान सचिव, बिहार सरकार, शहरी विकास और आवास विभाग
2. सचिव, पश्चिम बंगाल सरकार, आवास विभाग

[सं. 24/17/2010-आईएफ-II]

रमण कुमार गौड़, अवर सचिव

New Delhi, the 19th March, 2012

S.O. 1120.—In exercise of the powers conferred by clause (f) of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby appoints the following persons to be the directors on the Board of Directors of National Housing Bank (NHB) for a period of three years with effect from the date of issue of this notification:

- (i) Principal Secretary to Government of Bihar, Urban Development and Housing Department.
- (ii) Secretary to Government of West Bengal, Housing Department.

[F.No. 24/17/2010-IF-II]

RAMAN KUMAR GAUR, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 मार्च, 2012

आयकर

का.आ. 1121.—जबकि केन्द्र सरकार ने आयकर अधिनियम, 1961 (1961 का 43) (जिसे बाद में उक्त अधिनियम के रूप में संदर्भित किया गया) की धारा 80झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल 1997 से आरंभ तथा 31 मार्च, 2002 को समाप्त अवधि के लिए संख्या का. आ. 193 (अ), दिनांक 30 मार्च 1999 तथा का.आ. 1201 (अ) दिनांक 1 दिसंबर, 1999 के तहत वाणिज्य एवं उद्योग मंत्रालय (औद्योगिक नीति एवं संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क के लिए स्कीम निर्मित एवं अधिसूचित की है;

और जबकि मैसर्स क्रिएटिव इंफोसिटी लिमिटेड ने इंडोडा सर्किल, गांधीनगर, गुजरात में एक औद्योगिक पार्क विकसित किया है, जिसका कार्यालय एयरपोर्ट रोड, इंडोडा सर्किल के पास, गांधीनगर-382009 में है;

और जबकि केंद्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों एवं निबंधनों के अधीन वाणिज्य एवं उद्योग मंत्रालय के पत्र सं. 15(3)/2001-आईपी एवं आईडी दिनांक 21-6-2001 के तहत उक्त औद्योगिक पार्क को अनुमोदित किया है;

और जबकि माननीय गुजरात उच्च न्यायालय ने 2011 के विशेष सिविल आवेदन 9247 में अपने आदेश दिनांक 21-2-2012 में केंद्रीय प्रत्यक्ष कर बोर्ड को इस शर्त के अधीन कि वाणिज्य मंत्रालय पहला से प्रदत्त अनुमोदन को निरस्त न करे, किसी और पूछताछ के बिना न्यायालय के आदेश की तारीख से एक माह के अंदर नियमावली के नियम 18ग (4) के अनुरूप धारा 80झक के अंतर्गत लाभों के लिए पूर्वोक्त औद्योगिक पार्क को अधिसूचित करने का निदेश दिया है। यह अधिसूचना एसएलपी/एमपी/आरए/स्टे अप्लीकेशन, जो गुजरात उच्च न्यायालय के पूर्वोक्त आदेश के विरुद्ध दाखिल किया जा सकता है, के अंतिम परिणाम के अधीन न्यायालय के आदेश के अनुपालन में जारी की जाती है। यह पत्र संख्या 15(3)/2001-आईपी एवं आईडी दिनांक 21-6-2001 के तहत पहले से प्रदत्त अनुमोदन के वाणिज्य मंत्रालय द्वारा निरसन के संबंध में अंतिम निर्णय के भी अधीन है।

अतः अब उक्त अधिनियम की धारा 80झक की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा माननीय गुजरात उच्च न्यायालय के उपर्युक्त आदेश के अनुसरण में केन्द्र सरकार उक्त खंड (iii) के प्रयोजनार्थ एतद्वारा मैसर्स क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर द्वारा विकसित एवं अनुरक्षित तथा प्रचालित किए जा रहे उपक्रम को अधिसूचित करती है।

अनुबंध

वे शर्तें जिन पर क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर द्वारा एक औद्योगिक पार्क की स्थापना के लिए भारत सरकार का अनुमोदन प्रदान किया गया है

- 1.(i) औद्योगिक उपक्रम का नाम : मैसर्स क्रिएटिव इंफोसिटी लिमिटेड,
- (ii) प्रस्तावित अवस्थान : इंडोडा सर्किल, गांधीनगर, गुजरात
- (iii) औद्योगिक पार्क का क्षेत्रफल: 185 एकड़
- (iv) प्रस्तावित कार्यकलाप

एनआईसी कोड के साथ औद्योगिक कार्यकलाप का स्वरूप

| एनआईसी कोड | | विवरण | | | |
|------------|--------|--------|------|------|--|
| क्र.सं. | सेक्सन | प्रभाग | समूह | वर्ग | |
| (1) | (2) | (3) | (4) | (5) | (6) |
| (i) | 3 | 36 | 367 | - | कम्प्यूटर हार्डवेयर विनिर्माण/संयोजन यूनितें |

| (1) | (2) | (3) | (4) | (5) | (6) |
|--------|---|-----|-----|-------|---|
| (ii) | 6 | 69 | 691 | - | होटल |
| (iii) | 8 | 82 | 820 | - | आवासीय परिसर |
| (iv) | 8 | 89 | 892 | 892.1 | आईटी आउटसोर्स सेवाएं - भंडारण प्रबंधन सेवाएं - डाटा केन्द्र - नेटवर्क प्रबंधन/सुरक्षा/फायरवाल सेवाएं - अप्लीकेशन सेवाएं - मेजबानी/ईमेल सेवाएं - सर्वर फार्म |
| (v) | 8 | 89 | 892 | 892.2 | साफ्टवेयर विकास यूनिटें - साफ्टवेयर निर्यात यूनिट (100 प्रतिशत ईओयू) - घरेलू साफ्टवेयर विकास |
| (vi) | 8 | 89 | 892 | 892.3 | आईटी समर्थित सेवाएं - काल सेंटर/कांटेक्ट सेंटर चिकित्सा संव्यवहार यूनिटें - कानूनी संव्यवहार/बैंक आफिस ऑपरेशन |
| (v) | औद्योगिक उपयोग के लिए प्रस्तावित : 91.38 प्रतिशत आबंटन योग्य क्षेत्रफल की प्रतिशतता | | | | |
| (vi) | वाणिज्यिक उपयोग के लिए निर्दिष्ट भूमि : 8.62 प्रतिशत की प्रतिशतता | | | | |
| (vii) | औद्योगिक यूनिटों की प्रस्तावित संख्या : 50 यूनिट | | | | |
| (viii) | प्रस्तावित कुल निवेश (राशि रुपए में) : 504.39 करोड़ | | | | |
| (ix) | औद्योगिक प्रयोग के लिए निर्मित स्थान : 450.47 करोड़ पर निवेश (राशि रुपए में) | | | | |
| (x) | औद्योगिक प्रयोग के लिए निर्मित स्थान : 504.39 करोड़ पर निवेश समेत अवसंरचना विकास पर निवेश (राशि रुपए में) | | | | |
| (xi) | औद्योगिक पार्क आरंभ होने की प्रस्तावित : सितम्बर, 2001 तिथि (जैसा कि वाणिज्य मंत्रालय द्वारा जारी अनुमोदन पत्र संख्या 15(3)/2001- आईपी एवं आईडी दिनांक 21-6-2001 में उल्लेख है) | | | | |

2. विदेशी निवेश संवर्धन बोर्ड या भारतीय रिजर्व बैंक या उस समय लागू किसी कानून के अंतर्गत विनिर्दिष्ट किसी प्राधिकरण द्वारा

विदेशी प्रत्यक्ष निवेश या अनिवासी भारतीय निवेश के लिए अनुमोदन समेत आवश्यक अनुमोदन लागू नीति एवं कार्य पद्धति के अनुसार अलग से प्राप्त किए जाएंगे।

3. इस अधिसूचना के पैरा (vii) में उल्लिखित संख्या में औद्योगिक पार्क में यूनिटों के स्थित हो जाने के बाद ही अधिनियम के अंतर्गत कर लाभ प्राप्त किए जा सकते हैं।

4. मैसर्स क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिसमें आयकर अधिनियम, 1961 की धारा 80झ क की उपधारा (4) के खंड (iii) के अंतर्गत लाभ प्राप्त किए जाने हैं।

5. यदि प्रारंभ होने की प्रस्तावित तिथि से एक वर्ष के अंदर औद्योगिक पार्क शुरू नहीं हुआ, तो नए अनुमोदन की जरूरत होगी।

6. यह अनुमोदन अमान्य हो जाएगा तथा मैसर्स क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर ऐसी अमान्यता की किसी भी प्रतिक्रिया के लिए पूरी तरह उत्तरदायी होगा, यदि

(i) आवेदन जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया जाता है, में गलत सूचना/मिथ्या जानकारी होती है अथवा कुछ वस्तुगत सूचना इसमें नहीं दी गई होती है,

(ii) यह औद्योगिक पार्क के अवस्थान के लिए है जिसके लिए किसी अन्य उपक्रम के नाम में अनुमोदन पहले ही जारी किया जा चुका है।

7. यदि मैसर्स क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर औद्योगिक पार्क (अर्थात् अंतरणकर्ता उपक्रम) का प्रचालन एवं अनुरक्षण किसी अन्य उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करता है, तो उक्त हस्तांतरण के संबंध में अंतरणकर्ता एवं अंतरिती के बीच निष्पादित करार की प्रति के साथ संयुक्त रूप से अंतरणकर्ता एवं अंतरिती औद्योगिक सहायता सचिवालय, औद्योगिक नीति एवं संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को सूचित करेंगे।

8. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ वाणिज्य मंत्रालय द्वारा जारी अनुमोदन पत्र संख्या 15(3)/2001-आईपी एवं आईडी दिनांक 21-6-2001 में शामिल शर्तों का उस अवधि के दौरान पालन करना चाहिए जिसमें इस योजना के अंतर्गत लाभ प्राप्त किए जाने हैं। यदि मैसर्स क्रिएटिव इंफोसिटी लिमिटेड, गांधीनगर किसी भी शर्त का पालन नहीं कर पाता है, तो केन्द्र सरकार उपर्युक्त अनुमोदन वापस ले सकती है।

9. केन्द्र सरकार के अनुमोदन के बिना परियोजना प्लान में किसी संशोधन अथवा भविष्य में अभिज्ञान अथवा ओवेदक द्वारा किसी वस्तुगत तथ्य को प्रकट न करने से औद्योगिक पार्क का अनुमोदन अमान्य हो जाएगा।

[अधिसूचना सं. 13/2012/फा. सं. 178/25/2005-आईटीए-1]

सुरभि शर्मा, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 22nd March, 2012

(INCOME-TAX)

S.O. 1121.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-Tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999 and S.O. 1201 (E) dated 1st December, 1999 for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002;

And whereas M/s. Creative Infocity Limited, having office at Infocity, Airport Road, Near Indroda Circle, Gandhinagar-382009, has developed an Industrial Park at Indroda Circle, Gandhinagar, Gujarat;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15(3)/2001-IP & ID dated 21-06-2001 subject to the terms and conditions mentioned in the annexure to this notification;

And whereas the Hon'ble Gujarat High Court in its order dated 21-2-2012 in Special Civil Application 9247 of 2011 has directed the Central Board of Direct Taxes to notify the aforementioned industrial park for the benefits under Section 80-IA in terms of Rule 18C(4) of the Rules within one month from the date of the Court order without any further inquiry, subject to the condition that the Commerce Ministry does not revoke the approval already granted. This notification is issued in compliance to Court's order subject to the final outcome of the SLP/MP/RA/Stay. Application which may be filed against the aforesaid order of the Gujarat High Court. It is also subject to the final decision regarding revocation by the Ministry of Commerce of the approval already granted vide letter No. 15(3)/2001-IP & ID dated 21-06-2001;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act and in pursuance of above noted order of Hon'ble Gujarat High Court, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Creative Infocity Limited, Gandhinagar, as an industrial park for the purpose of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Creative Infocity Limited, Gandhinagar.

- I. (i) Name of the Industrial Undertaking : M/s. Creative Infocity Limited,
- (ii) Proposed location : Indroda Circle, Gandhinagar Gujarat
- (iii) Area of Industrial Park : 185 Acres

(iv) Proposed activities

Nature of Industrial activity with NIC code

| NIC Code | | | Description | | |
|----------|---|----------|-------------|-------|---|
| S. No. | Section | Division | Group | Class | |
| (1) | (2) | (3) | (4) | (5) | (6) |
| (i) | 3 | 36 | 367 | - | Computer hardware Manufacturing/Assembling Units |
| (ii) | 6 | 69 | 691 | - | Hotels |
| (iii) | 8 | 82 | 820 | - | Residential Complex |
| (iv) | 8 | 89 | 892 | 892.1 | IT Outsourced services - Storage Mgt. Services - Data Centre - Network Mgt/Security/Firewall Services - Application Services - Hosting/E-mail Services - Server Farms |
| (v) | 8 | 89 | 892 | 892.2 | Software Development Units - Software Export Unit (100% EOU) - Domestic Software Dev. |
| (vi) | 8 | 89 | 892 | 892.3 | IT Enabled Services - Call Centres/Contract Centres - Medical Transaction Units - Legal Transaction/Back Office Operation |
| (v) | Percentage of allocable area proposed for Industrial use | | | | : 91.38% |
| (vi) | Percentage of land earmarked for commercial use | | | | : 8.62% |
| (vii) | Proposed number of industrial units | | | | : 50 Units |
| (viii) | Total investment proposed (Amount in Repees) | | | | : 504.39 crores |
| (ix) | Investment on built up space for Industrial use (Amount in Rupees) | | | | : 450.47 crores |
| (x) | Investment on Infrastructure Development including investment on built up space | | | | : 504.39 crores |

| (1) | (2) | (3) | (4) | (5) | (6) |
|------|---|-----|-----|-----|--|
| | | | | | for industrial use (Amount in Rupees) |
| (xi) | Proposed date of commencement of the Industrial Park (as mentioned in the approval Letter No. 15(3)/2001-IP & ID dated 21-06-2001 issued by the Ministry of Commerce) | | | | : September 2001 |

2. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per policy and procedures in force.

3. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

4. M/s. Creative Infocity Limited, Gandhinagar shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-Tax Act, 1961 are to be availed.

5. In case the Industrial Park did not commence within one year of the proposed date of commencement, fresh approval will be required.

6. The approval will be invalid and M/s. Creative Infocity Limited, Gandhinagar shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) It is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

7. In case M/s. Creative Infocity Limited, Gandhinagar, transfers the operation and maintenance of The Industrial Park (i.e. transferor undertaking) to another undertaking (i.e. the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

8. The conditions mentioned in this notification as well as those included in the approval letter No. 15(3)/2001-IP & ID dated 21-06-2001 issued by the Ministry of Commerce should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Creative Infocity Limited, Gandhinagar, fails to comply with any of the conditions.

9. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material

fact, will invalidate the approval of the Industrial Park.

[Notification No.13/2012/F. No. 178/25/2005-ITA-I]

SURABHI SHARMA, Under Secy. (ITA.I)

विदेश मंत्रालय

(सीपीवी प्रभाग)

नई दिल्ली, 7 मार्च, 2012

का.आ. 1122.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खण्ड (क) के अनुसरण में, केंद्र सरकार एतद्वारा श्री जी. पी. रयाल, सहायक को 7-3-2012 से भारत के राजदूतावास, लिसबन में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS (CPV DIVISION)

New Delhi, the 7th March, 2012

S.O. 1122.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri G.P. Rayal, Assistant, Embassy of India, Lisbon to perform the duties of Assistant Consular Officer with effect from 7th March, 2012.

[No.T. 4330/1/2006]

R. K. PERINDIA, Under Secy. (Consular)

नई दिल्ली, 7 मार्च, 2012

का.आ. 1123.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खण्ड (क) के अनुसरण में, केंद्र सरकार एतद्वारा श्री डूंगर सिंह, सहायक को 7-3-2012 से भारत के कौंसलावास, दुबई में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

New Delhi, the 7th March, 2012

S.O. 1123.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Doonger Singh, Assistant, Consulate General of India, Dubai to perform the duties of Assistant Consular Officer with effect from 7th March, 2012.

[No.T. 4330/1/2006]

R. K. PERINDIA, Under Secy. (Consular)

नई दिल्ली, 7 मार्च, 2012

का.आ. 1124.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के

खण्ड (क) के अनुसरण में, केंद्र सरकार एतद्वारा श्री वी.के. कृष्णा कुमार, सहायक को 7-3-2012 से भारत के उच्चायोग, विंडोके में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

New Delhi, the 7th March, 2012

S.O. 1124.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri V.K. Krishna Kumar, Assistant, High Commission of India, Windhoek to perform the duties of Assistant Consular Officer with effect from 7th March, 2012.

[No. T. 4330/1/2006]

R. K. PERINDIA, Under Secy. (Consular)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 13 मार्च, 2012

का.आ. 1125.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा नीचे दी गई तालिका के कॉलम (1) में उल्लिखित अधिकारी को, सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी होने के फलस्वरूप, उक्त अधिनियम के प्रयोजनार्थ संपदा अधिकारी नियुक्त करती है जो उक्त अधिनियम द्वारा अथवा उसके तहत प्रदत्त शक्तियों का प्रयोग करेगा और उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सार्वजनिक परिसरों के संबंध में उसके क्षेत्राधिकार की स्थानीय सीमाओं के भीतर संपदा अधिकारी को सौंपे गए कार्यों को निष्पादित करेगा।

तालिका

| अधिकारी का पदनाम | सार्वजनिक परिसरों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं |
|---|---|
| (1) | (2) |
| रजिस्ट्रार, भारतीय प्रौद्योगिकी संस्थान, पटना | भारतीय प्रौद्योगिकी संस्थान, पटना से संबंधित अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत अथवा पट्टे पर लिए गए परिसर। |

[फा. सं. 14-25/2010-टीएस-1]

प्रिस्का मैथ्यू, अवर सचिव

**MINISTRY OF HUMAN RESOURCE
DEVELOPMENT
(Department of Higher Education)**

New Delhi, the 13th March, 2012

S.O. 1125.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised

Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of Gazetted Officer of the Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

| Designation of the Officer | Categories of public premises and local limits of jurisdiction |
|---|---|
| (1) | (2) |
| Registrar Indian Institute of Technology Patna. | Premises belonging to, or taken on lease or requisitioned by or on behalf of the Indian Institute of Technology, Patna. |

[F. No. 14-25/2010-TS-I]

PRISCA MATHEW, Under Secy.

पर्यावरण एवं वन मंत्रालय

नई दिल्ली, 12 मार्च, 2012

का.आ. 1126.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में पर्यावरण एवं वन मंत्रालय के प्रशासनिक नियंत्रणाधीन वन्य जीव अपराध नियंत्रण ब्यूरो, नई दिल्ली को, जिसके 80 प्रतिशत से अधिक कर्मिको ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-11014/37/2011-रा.भा.(का.)]

बी. एम. एस. राठौर, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi, the 12th March, 2012

S.O. 1126.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (As Amended, 1987) the Central Government hereby notifies Wild Life Crime Control Bureau, New Delhi under the administrative control of Ministry of Environment and Forests, where more than 80% employees have acquired the working knowledge of Hindi.

[No. E-11014/37/2011-O.L.(Impl.)]

B.M.S. RATHORE, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

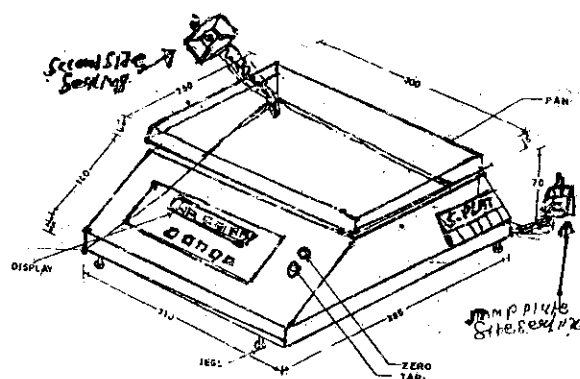
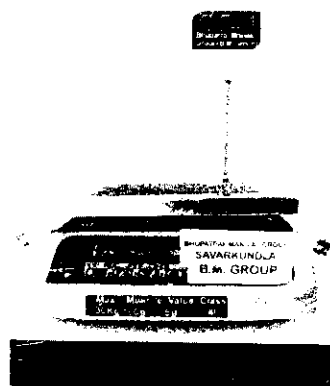
(उपभोक्ता मामले विभाग)

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 1127.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल प्रत्यक्षता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भूपतराय मनीलाल गुप, माधवानीवाडी, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बीएम-टी III" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "बी. एम. गुप" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विद्व आई एन डी/09/10/115 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

स्कूल की बाड़ी में दिए गए छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{+5}$, $2 \times 10^{+5}$ या $5 \times 10^{+5}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(103)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 12th September, 2011

S.O. 1127.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication, belonging to Medium Accuracy (Accuracy class-III) of series "BM-TIII" and with brand name "B.M.GROUP" (hereinafter referred to as the said model), manufactured by M/s Bhupatrai Manilal Group, Madhwaniwadi, Shivaji Nagar, Savarkundla-364515 (Gujrat) which is assigned the approval mark IND/09/10/115.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

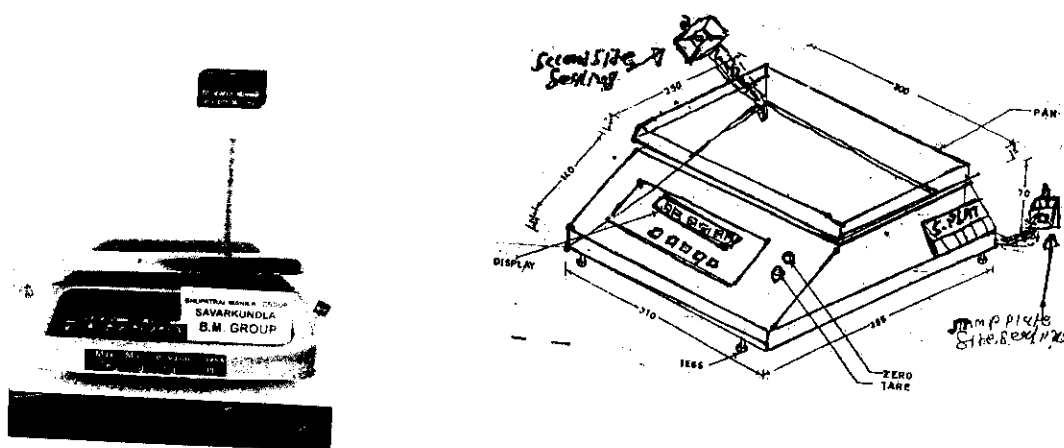


Figure- 2 : Schematic diagram of sealing of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy, performance and of the same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the said manufacturer in accordance with the same principle, design and materials with which, the approved model has been manufactured.

[F.No.WM-21(103)/2010]

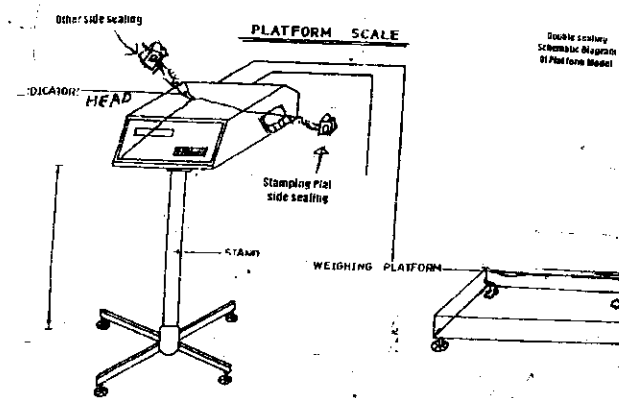
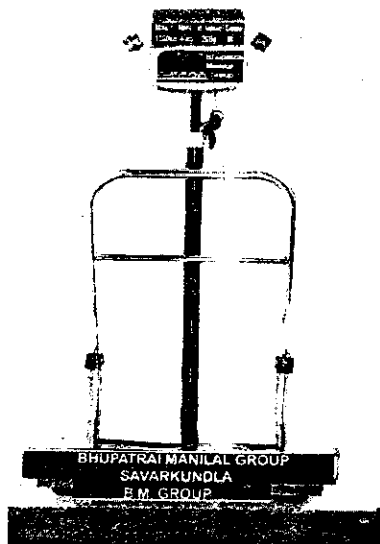
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 1128.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स भूपतराय मनीलाल ग्रुप, माधवानीवाडी, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बीएम-पी III" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "बी. एम. ग्रुप" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/116 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाडी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और ग्रिप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/पदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(103)/2010]

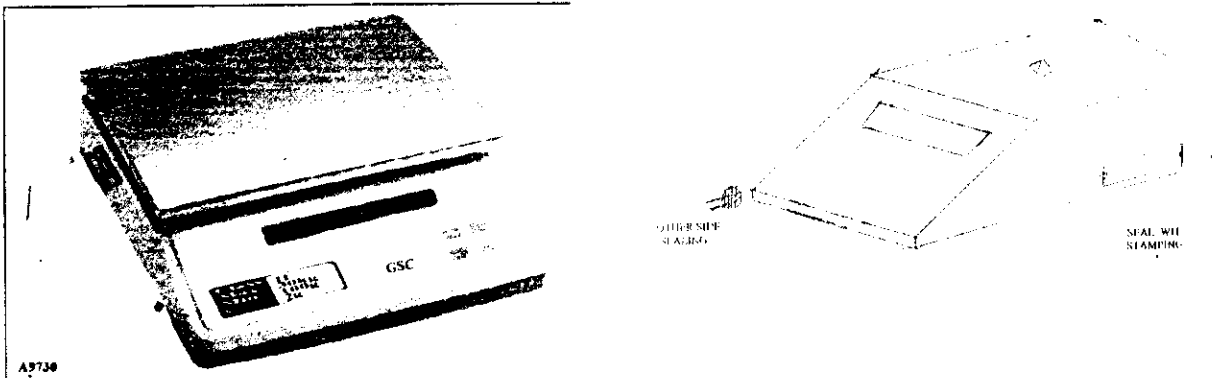
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

नई दिल्ली, 5 अक्टूबर, 2011

का.आ. 1129.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ग्लेक्सी स्केल कं., बिल्डिंग नं. 57/बी, शॉप नं. 5, उडक्का को-आप हाउसिंग सोसायटी, नियर पर्ल सोसायटी, सिद्धार्थ नगर-4 गोरगांव (वेस्ट), मुंबई-104 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “जीएसजे” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “जीएससी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/71 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकालकर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(09)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th October, 2011

S.O. 1129.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity, with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "GSJ" and with brand name "GSC" (hereinafter referred to as the said model), manufactured by M/s Galaxy Scale Co. Building No. 57/B, Shop No. 5, Udakka Co-op Housing Society, N. Pearl Society, Siddarth Nagar-4 Goregaon (W), Mumbai-104 which is assigned the approval Mark IND/09/10/71;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure- 1 Model

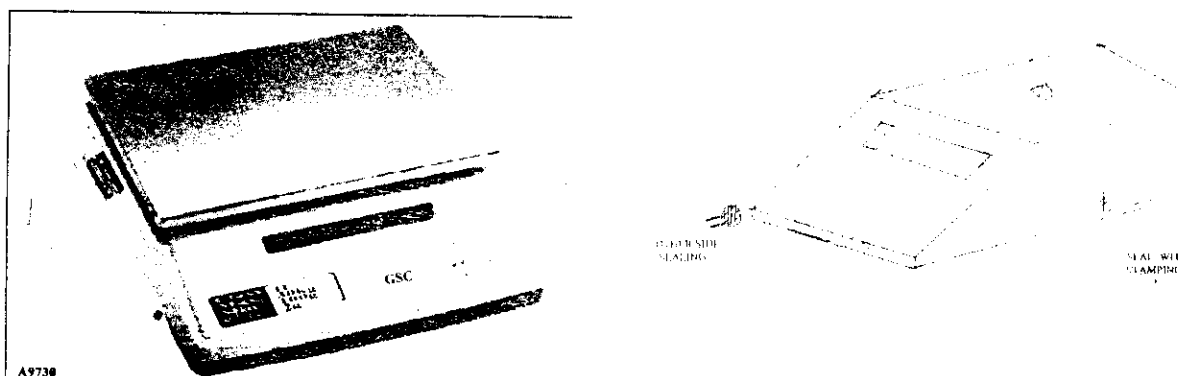


Figure- 2 Schematic diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No.WM-21(09)/2010]

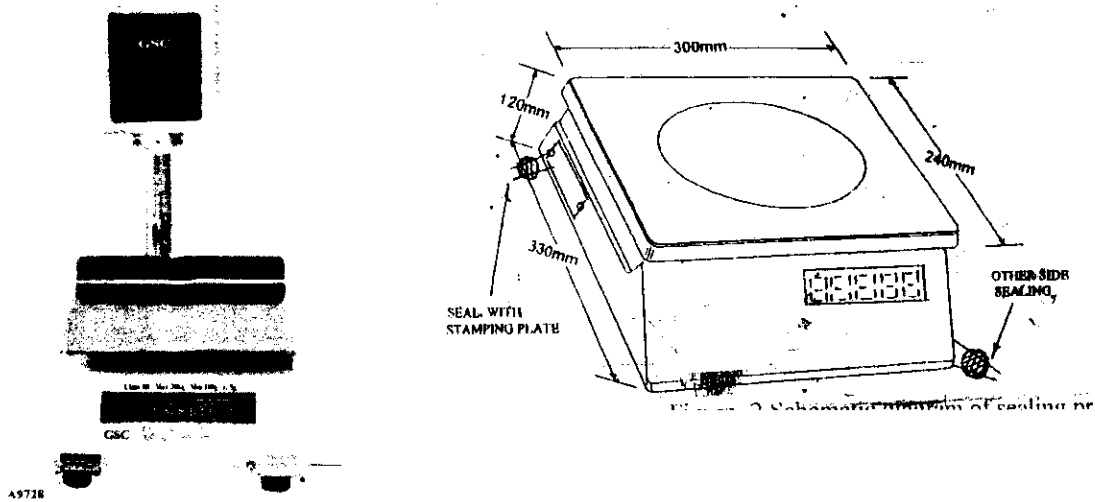
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 5 अक्टूबर, 2011

का.आ. 1130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स ग्लेक्सी स्केल कं., बिल्डिंग नं. 57/बी, शॉप नं. 5, उडक्का को-आप हाउसिंग सोसायटी, नियर पर्ल सोसायटी, सिद्धार्थ नगर-4 गोरेगांव (वेस्ट), मुंबई-104 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जीएसजे” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “जीएसटी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/72 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैंक साइड में सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(09)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th October, 2011

S.O. 1130.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "GST" and with brand name "GSC" (hereinafter referred to as the said model), manufactured by M/s Galaxy Scale Co. Building No. 57/B, Shop No. 5, Udakka Co-op Housing Society, Nr Pearl Society, Siddarth Nagar-4 Goregaon (W), Mumbai-104 which is assigned the approval Mark IND/09/10/72;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure- 1 Model

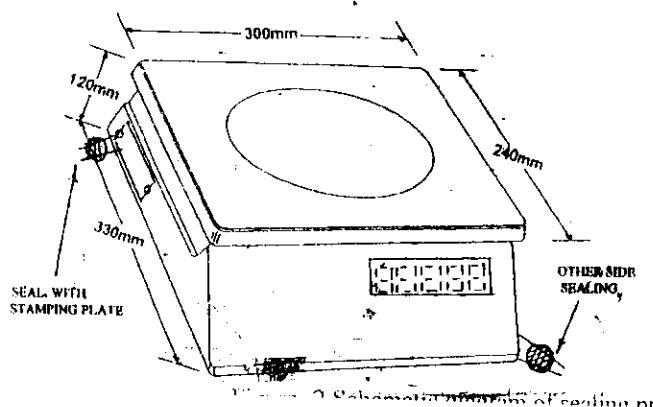
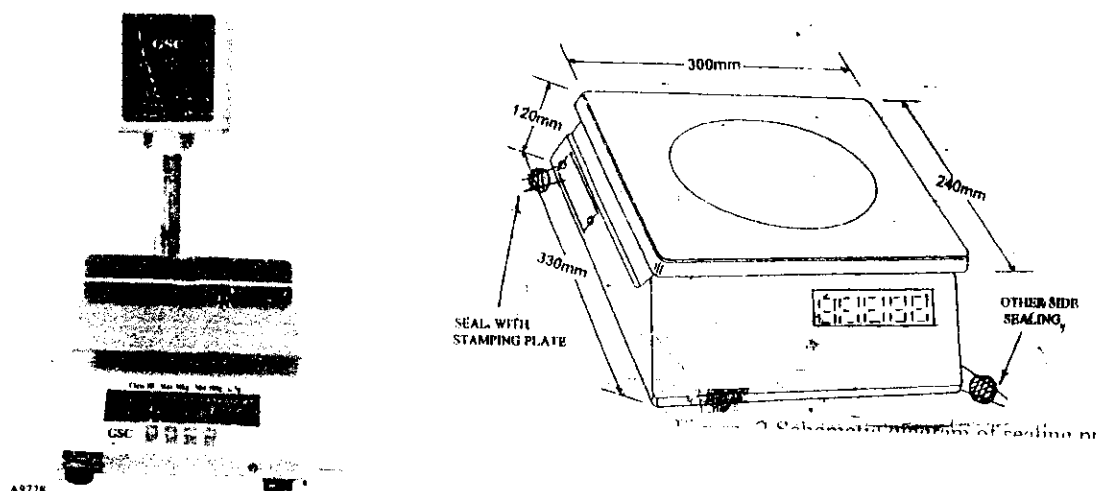


Figure- 2 Schematic diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F.No.WM-21(09)/2010]

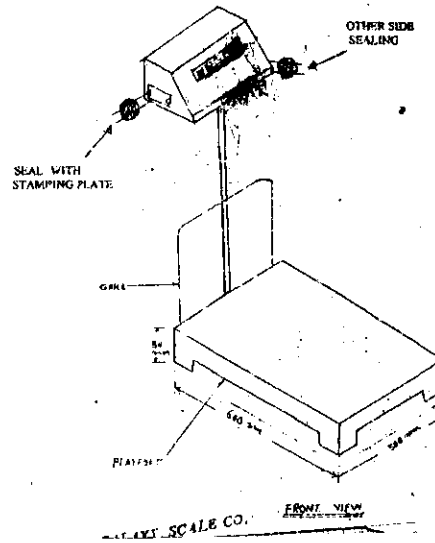
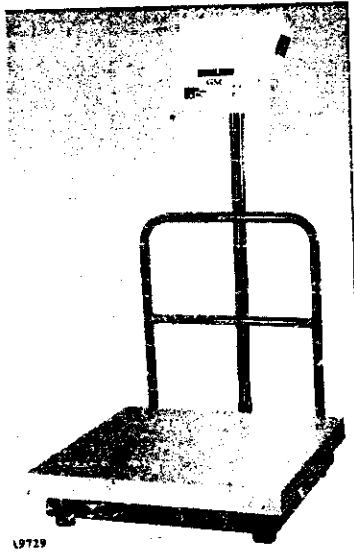
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 5 अक्टूबर, 2011

का.आ. 1131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैक्स ग्लेक्सी स्केल कं., बिल्डिंग नं. 57/बी, शॉप नं. 5, उडक्का को-आप हाउसिंग सोसायटी, नियर पर्ल सोसायटी, सिद्धार्थ नगर-4 गोरगांव (वेस्ट), मुंबई-104 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जीएसपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "जीएसपी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/73 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गंज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैंक साइड में सीलिंग की गई है। डिस्पले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(09)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th October, 2011

S.O. 1131.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity, with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "GSJ" and with brand name "GSC" (hereinafter referred to as the said model), manufactured by M/s Galaxy Scale Co. Building No. 57/B, Shop No. 5, Udakka Co-op Housing Society, Nr Pearl Society, Siddarth Nagar-4 Goregaon (W), Mumbai-104 which is assigned the approval Mark IND/09/73;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg.. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure- 1 Model

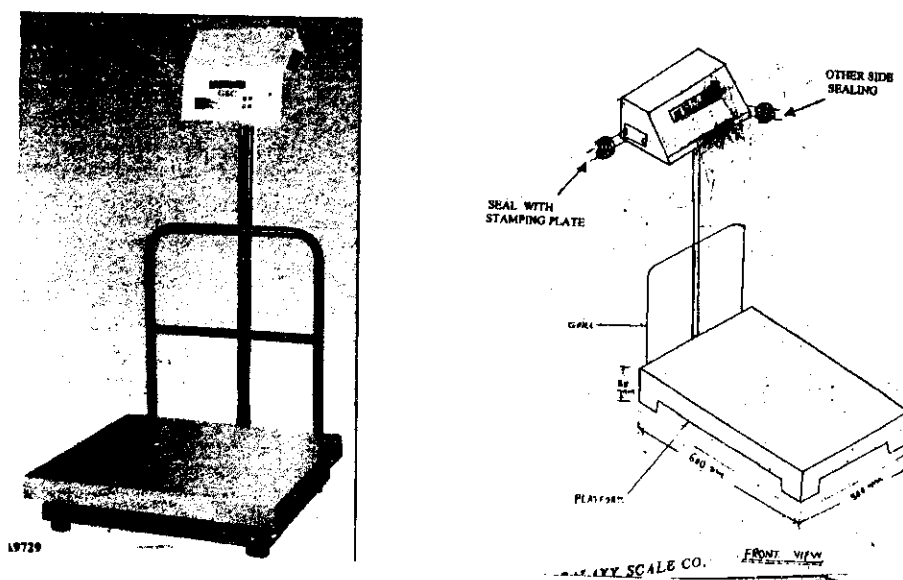


Figure- 2 Schematic diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F.No.WM-21(09)/2010]

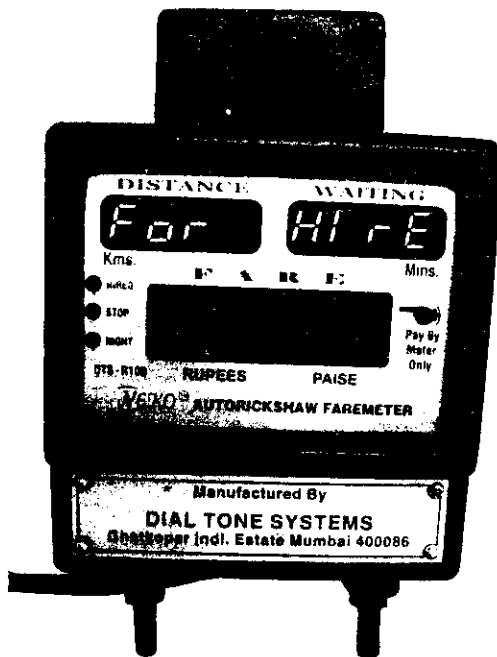
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.आ. 1132.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथाभूत बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स डायल टोन सिस्टम्स, बी-135, घाटकोपर इंडस्ट्रीयल एस्टेट, एल बी एस मार्ग, घाटकोपर (डब्ल्यू), मुंबई-400086 द्वारा विनिर्मित "डीटीएस-आर 100" शृंखला के अंकक सूचन सहित "आटो फेयर मीटर" के मॉडल का, जिसके ब्राण्ड का नाम "एनईकेओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/53 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल "आटो फेयर मीटर" मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का 'के' फेक्टर 1400 प्लसेस प्रति किलोमीटर पर चलता है। इंडीकेटर में 5 अंक अधिकतम किराया सूचन के लिए, 4 अंक अधिकतम दूरी दर्शाने के लिए और 4 अंक अधिकतम समय दर्शाने के लिए है।



आकृति-2—मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

सील और स्टाम्प के सत्यापन के लिए दिए गए दो स्कू होल्ज वाले में से लीडिड वायर निकाल मीटर की रियर बाटम साइड में सीलिंग की जाती है। सील से छेड़छाड़ किए बिना मीटर को खोला नहीं जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम-21(351)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st October, 2011

S.O. 1132.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of "Auto Fare Meter" with digital indication (hereinafter referred to as the said model) of series "DTS- R 100" and brand name "NEKO" manufactured by M/s. Dial Tone Systems, B-135, Ghatkopar Industrial Estate, L.B.S. Marg, Ghatkopar (W), Mumbai-400086 and which is assigned the approval mark IND/09/11/53;

The said model of "Auto Fare Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as function of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The 'k' factor of the Taxi Meter is 1400 pulses per kilometer. The indicator have 5 digits for maximum fare indication, 4 digits for maximum distance indication and 4 digits for maximum time indication.

Figure- 1 Model



Figure- 2 Schematic diagram of sealing provision of the model

Sealing is done on the rear bottom side of the meter, two screws with holes are provided through which the leaded wire will be passed to receive the verification seal and stamp. The meter cannot be opened without tampering the seal. A schematic diagram of sealing provision of the model is given above.

[F. No.WM-21(351)/2010]

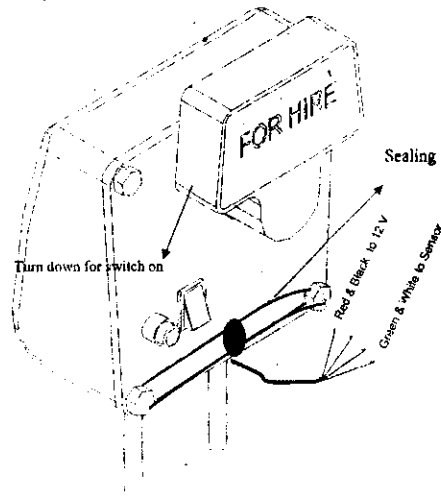
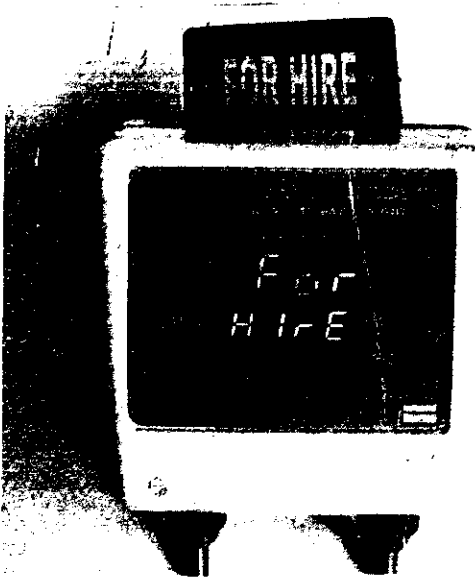
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 31 अक्टूबर, 2011

का.अ. 1133.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स स्मार्ट टेक्नोलॉजी सिस्टम्स, नं. 31, 5 सी क्रॉस, शारदादम्बा नगर, जलहली, बंगलोर-560013 द्वारा विनिर्मित “एसटीएस-30एन” शृंखला के अंकक सूचना सहित “टैक्सी मीटर” के मॉडल का, जिसके ब्रांड का नाम “स्मार्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/4 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल “टैक्सी मीटर” मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का ‘के’ फेक्टर 2800 प्लसस प्रति किलोमीटर पर चलता है।



STS30N- REAR VIEW

आकृति-2--मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

सीलिंग स्क्रू सीलिंग बुश और सीलिंग डिस्क में होल बना कर, इनमें से सीलिंग वायर निकाल कर सीलिंग की जाती है और सीलिंग डिस्क पर लीड सील लगाई जाती है। सील से छेड़छाड़ किए बिना फेयर मीटर को खोला नहीं जा सकता। मॉडल के सीलिंग प्रावधान का योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम-21(04)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

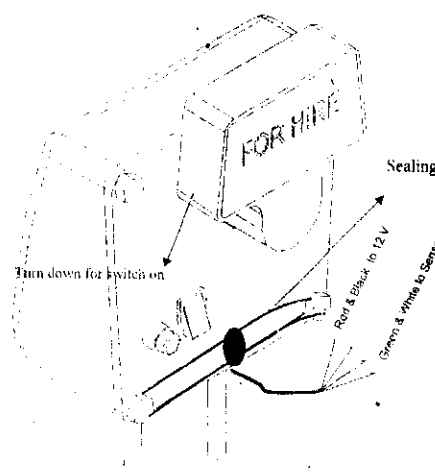
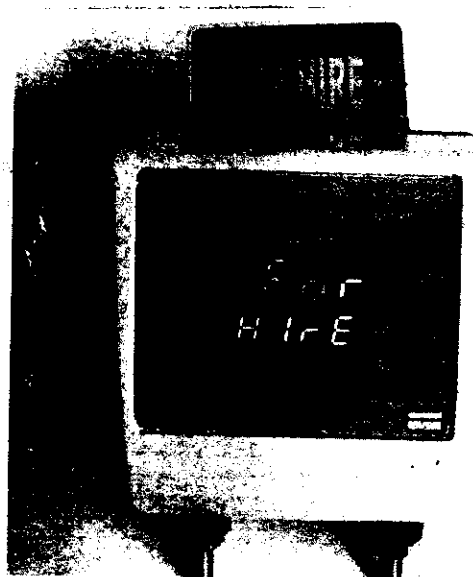
New Delhi, the 31st October, 2011

S.O. 1133.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi Meter" with digital indication (hereinafter referred to as the said model) of "STS 30 N" series with brand name "SMART" manufactured by M/s. Smart Technology Systems, No. 31, 5th 'C' Cross, Sharadambha Nagar, Jalahalli, Bangalore-560013 and which is assigned the approval mark IND/10/04;

The said model of "Taxi Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as a function of time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The 'k' factor of the Taxi Meter is 2800 pulses per kilometer.

Figure- 1 Model



STS30N- REAR VIEW

Figure- 2- Sealing diagram of the sealing provision of the model.

Sealing is done by making the holes and passing a seal wire through sealing screw, sealing bush and sealing disk, and then a lead seal is applied on the sealing disk. Fare Meter can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

[F.No.WM-21(04)/2010]

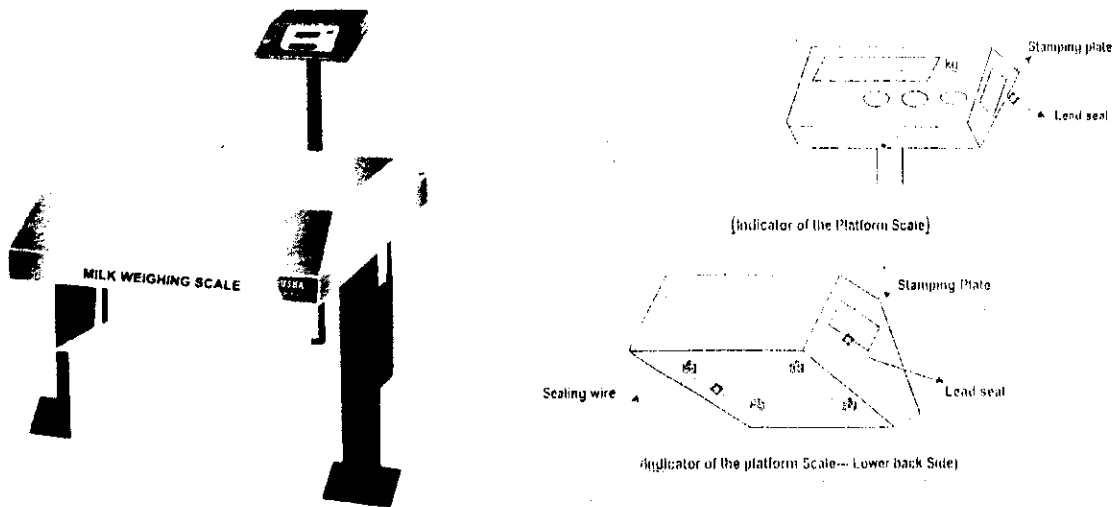
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 2 दिसम्बर, 2011

का.आ. 1134.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2009 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स उषा स्केल एसोसिएट, सी-21 और 22, सिकन्दरा इंडस्ट्रियल एरिया, आगरा-282007 (उत्तर प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "यूएसएएम" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक मिल्क व्हीयर) के मॉडल का, जिसके ब्राण्ड का नाम "उषा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/201 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक मिल्क व्हीयर) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन युक्ति है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर की राइट साइड/बैक साइड के होल्ज में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(122)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd December, 2011

S.O. 1134.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules 2011, the Central Government hereby issues the certificate of approval of the model of non-automatic weighing instrument (Electronic Milk Weigher) with digital indication of medium accuracy (Accuracy class-II) of series "USAM" and with brand name "USHA" (hereinafter referred to as the said model), manufactured by M/s Usha Scale Associates, C-21 & 22, Sikandra Industrial Area, Agra-282007 (UP) and which is assigned the approval mark IND/09/11/2011;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Milk Weigher) with a maximum capacity of 500kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure- 1 Model

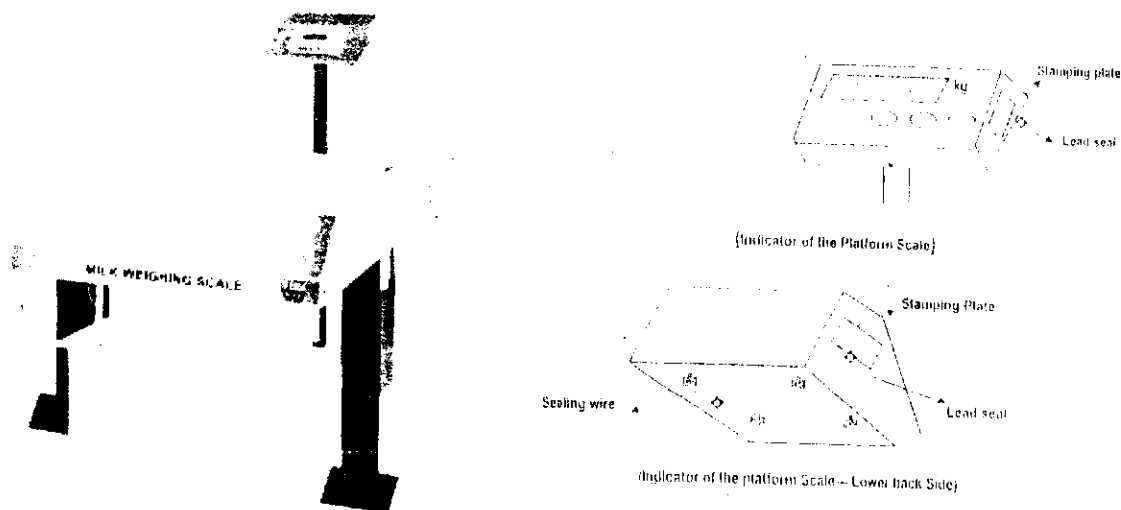


Figure- 2 sealing provision of the indicator of model.

Sealing is done by passing the sealing wire from the body of the indicator through holes on right side/back side of the indicator. A typical schematic diagram of scaling provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(122)/2010]

B. N. DIXIT, Director of Legal Metrology

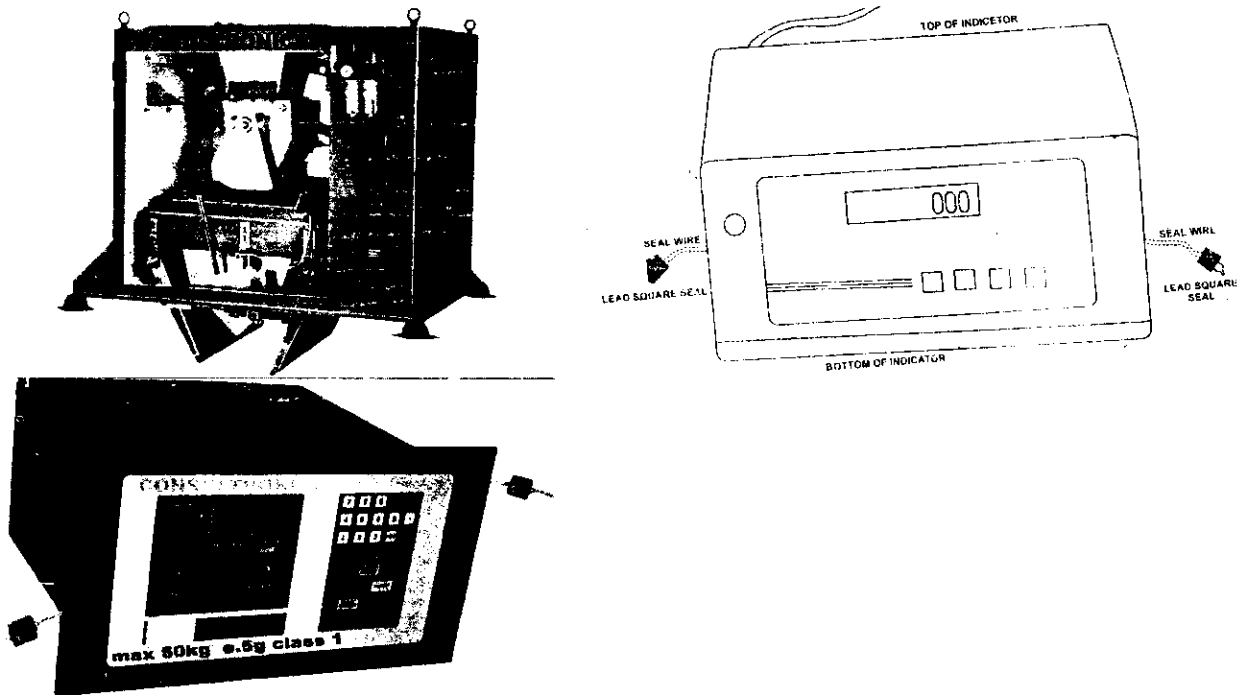
नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 1135.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कंसलट्रॉनिक्स प्रा. लि. ई/2, नीरव अपार्टमेंट, शांतिवन बस स्टॉप के पास, नारायण नगर रोड, पालदी, अहमदाबाद, गुजरात द्वारा विनिर्मित यथार्थता वर्ग X (1) वाले 'सीपीएल' शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्राण्ड का नाम 'कंसलट्रॉनिक्स' है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/335 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज की भार सैल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और डी वेल्यू 5 ग्रा. के साथ 7 से 10 फिल्ल्स प्रति मिनट बारंबारता है जो कि उत्पाद की प्रकृति और मात्रा पर निर्भर करता है। लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति 1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

उपकरण की सीलिंग के लिए एक सीलिंग प्लेट डिस्प्ले के पिछले हिस्से में लगाया गया है और एक तार द्वारा सील किया गया है। बाहरी कंट्रोलेशन नियंत्रण के प्रयोग को निष्क्रिय करने के लिए एक डिप स्विच प्रदान किया गया है। स्टेम्पिंग प्लेट की सीलिंग के अतिरिक्त मशीन को खोलने के कपटपूर्ण व्यवहार को रोकने के लिए सीलिंग की गई है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 300 कि.ग्रा. तक फिलिंग रेंज और 5 से 25 फिल्ल्स की फिलिंग बारम्बारता के होंगे।

[फा. सं. डब्ल्यू एम-21(183)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th December, 2011

S.O. 1135.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument belonging to accuracy class, X(x) where $x=1$ of series "CPL" and with brand name "Consultronics" (hereinafter referred to as the said model), manufactured by M/s Consultronics (P) Ltd., E/2, Nirav Apartments, Near Shantivan Bus Stop, Narayan Nagar Road, Paldi, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/11/335.

The said model is a strain gauge type load cell based automatic gravimetric filling instrument. It has maximum capacity of 50kg. and least scale interval (d) value of 5g. with a frequency of 7 to 10 fills per minute depending upon the quantity and nature of the product. The liquid crystal display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 : Model

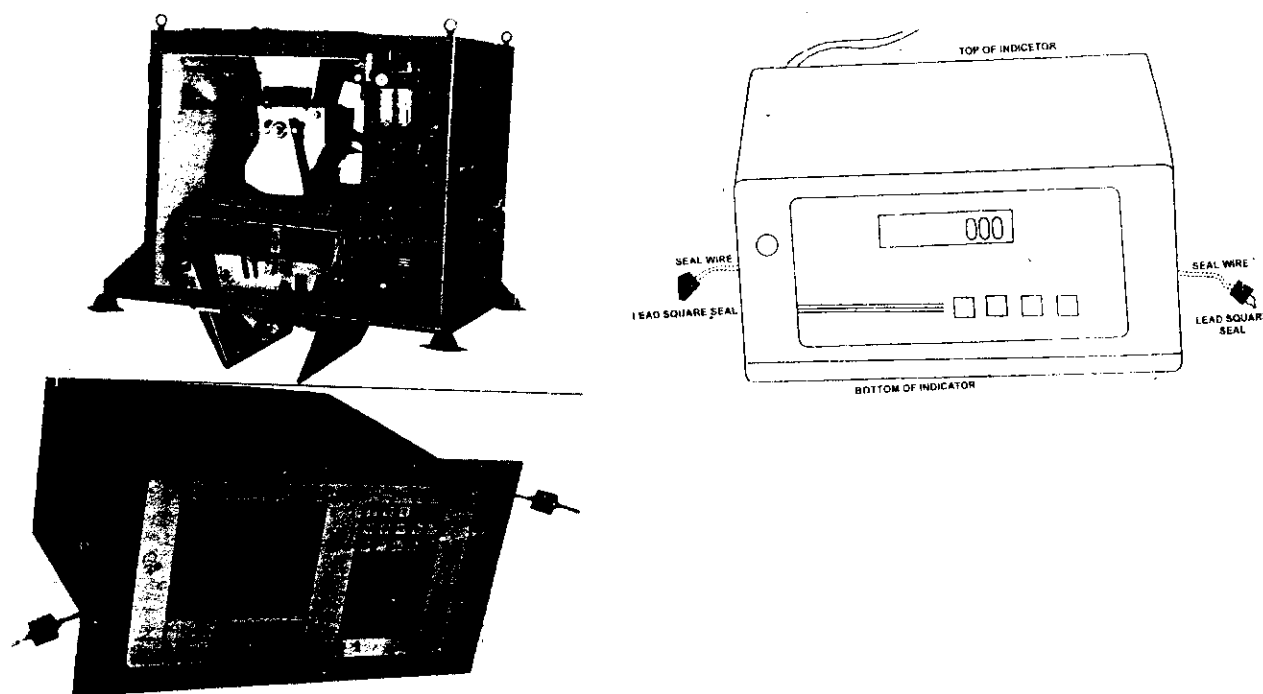


Figure- 2 : Sealing diagram of the sealing provision of the model.

For sealing of instruments a sealing plate is fixed on back side of the display and sealed by the single wire. A dip switch is provided to disable the access to the external calibration control. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of machine for fraudulent practices.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 300kg. with frequency of 5 to 25 fills per minute manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(183)/2011]

B. N. DIXIT, Director of Legal Metrology

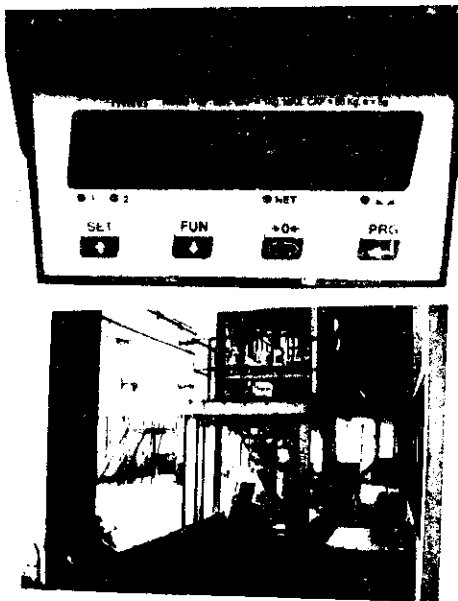
नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 1136.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

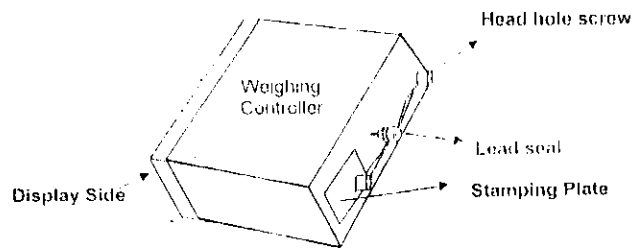
अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रमन सिस्टम प्रा. लि., आर-588/2 एमआईडीसी राबेल, टी टी सी इंडस्ट्रियल एरिया, ठाणे-बेलापुर रोड, नवी मुंबई 400701 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग, रेफ X (1) वाले 'आरएसजीएम' शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "रमन" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/325 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण (बैगिंग मशीन) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और कम स्केल अंतराल (डी) वेल्यू 5 ग्रा. जो 'उत्पाद की मात्रा और प्रकार पर आधारित फिलरेट 5 फिल्ट्स प्रति मिनट बारंबारता सहित है। एल ई डी 6 अंकों में उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



Schematic Diagram of stamping and sealing for Weighing Indicator of Gravimetric Filling Machine



(Back Side of weighing controller)

आकृति-2 : मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

उपकरण की सीलिंग के लिए प्रोग्राम पासवर्ड द्वारा सुरक्षित है जो केवल कंपनी के इंजीनियरों द्वारा प्रयोग किया जाता है। बाहरी कॅलिब्रेशन नियंत्रण को निष्क्रिय करने के लिए पोसीबी में डिप स्विच किया गया है। नियंत्रण के पिछले हिस्से में दो शीर्ष छेद स्कू हैं जिसके माध्यम से सील तार को पास किया जा सकता है और सील को प्लग एवं स्टाम्प किया जा सकता है। स्टैम्पिंग प्लेट को सीलिंग के अतिरिक्त, मशीन को कपटपूर्ण व्यवहार के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी फिलिंग रेंज 1 से 100 कि.ग्रा. के साथ 5 फिल्ट्स प्रति मिनट है।

[फा. सं. डब्ल्यू एम-21(128)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

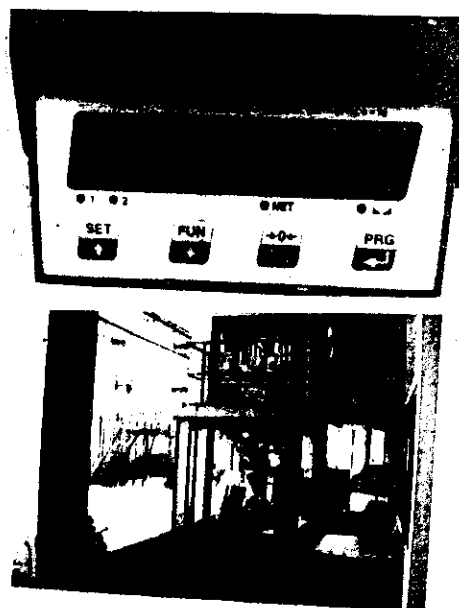
New Delhi, the 9th December, 2011

S.O. 1136.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the Model of automatic gravimetric filling instrument belonging to accuracy class X (1), series "RSGM" and with brand name "RAMAN" (hereinafter referred to as the said model) manufactured by M/s. Raman Systems Pvt. Ltd., R-588/2, MIDC Rabale, TTC Industrial Area, Thane-Belapur Road, Navi Mumbai-400701, Maharashtra and which is assigned the approval mark IND/09/11/325.

The said model is a strain gauge type load cell based automatic gravimetric filling instrument (Bagging Machine). It has maximum capacity of 50 kg and least scale interval (d) value of 5 g with a frequency of up to 5 fills per minute depending upon the quantity and nature of the product. It has LED display of 6 digits. The instrument operates on 230 Volts, 50 HTZ power supply.

Figure-1.1 : Modal



Schematic Diagram of stamping and sealing for Weighing Indicator of Gravimetric Filling Machine

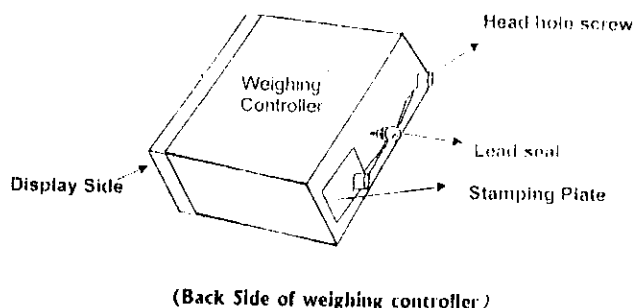


Figure-2 : Sealing diagram of the sealing provision of the model.

For sealing of instrument the program is protected by passwords which are accessible only to company engineers. Dip switch is provided in the PCB to disable the external calibration control. The controller has two head hole screws in back through which the seal wire can pass and the seal be plugged and stamped. In addition to sealing the stamping plate, sealing shall be done to prevent the opening of machine for fraudulent practices.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with filling range from 1 to 100 kg with frequency of weighing up to 5 fills per minute manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(128)/2011]

B. N. DIXIT, Director of Legal Metrology

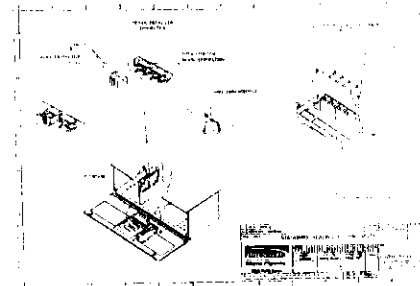
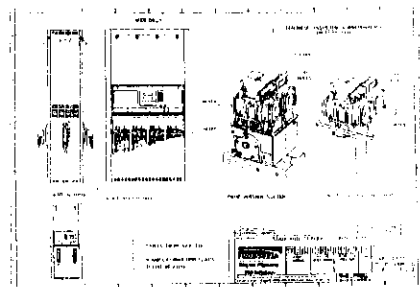
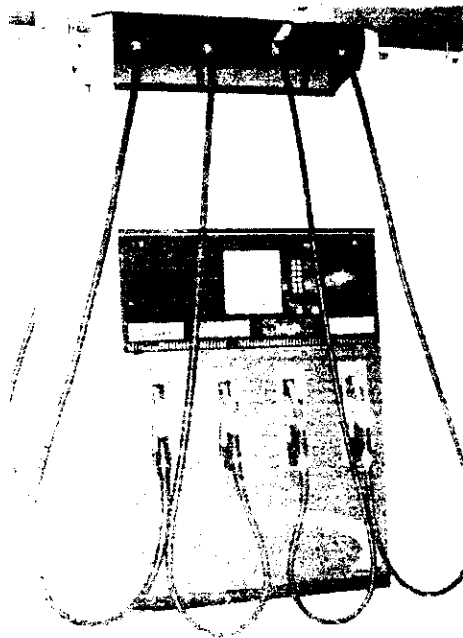
नई दिल्ली, 9 दिसम्बर, 2011

का.आ. 1137.—केन्द्रीय सरकार का, नीदरलैंड मोटिनस्ट्रिट (एनएमआई) सरटिन बी.वी. आफ नीदरलैंड द्वारा जारी प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 के दूसरे परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ड्रेसर वेयने फ्यूल इक्वीपमेंट (शंघाई) कं. लि. 51, डेक्स्यू रोड, तेजेंग इंडस्ट्री पार्क, पुडांग, शंघाई, चीन-201201 द्वारा विनिर्मित पानी के अलावा अन्य द्रव्य मापन सिस्टम (मोटर व्हीकल के लिए फ्यूल डिस्पेंसर) अंकक सूचन सहित, यथार्थता वर्ग 0.5 (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसके ब्राण्ड का नाम "ग्लोबल विस्टा सिरिज" है और जिसे भारत में बिना किसी परिवर्तन के बिक्री से पूर्व या बाद में मैसर्स जनरल एनर्जी मैनेजमेंट सिस्टम प्रा. लि., 521-522, कमर्शियल टावर, होटल ली-मेरिडियन, विंडसर प्लेस, नई दिल्ली-110001 द्वारा आयात किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/11/313 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल पानी के अलावा (मोटर व्हीकल के लिए फ्यूल डिस्पेंसर) अन्य द्रव्य का मापन सिस्टम है। इसकी प्रवाह दर रेंज 40 लीटर प्रति मिनट, 70 लीटर प्रति मिनट, 90 लीटर प्रति मिनट, 130 लीटर प्रति मिनट और सम्मिश्रण के मामले में 40 लीटर प्रति मिनट, है। इसकी न्यूनतम प्रवाह दर रेंज 4 लीटर/मिनट के साथ एक "कोम्पैक्ट पंपिंग यूनिट (सीपीयू)" के मामले में और ड्रेसर वायने एबी मेजरमेंट ट्रांसड्यूसर से 13 लीटर प्रति मिनट एक से अधिक "सीपीयू" के मामले में और ड्रेसर वायने एबी मेजरमेंट ट्रांसड्यूसर के साथ है। इसका स्केल अंतराल 10 मि. लि. है। इसमें अधिकतम वाल्यूम के लिए (6 अंक), अधिकतम यूनिट मूल्य (5 अंक) और अधिकतम देय मूल्य (7 अंक) प्रदर्शित करने वाला इलेक्ट्रॉनिक बोर्ड है। इस में बहुप्रकार के ईंधन जैसे कि पेट्रोल, डीजल, गैस, ऑयल इत्यादि के वितरण करने की क्षमता है।

आकृति-1. मॉडल



आकृति-2 : सीलिंग डायग्राम

चित्र में दर्शाए गए अनुसार डिस्पेंसर सील किया जाता है। इसके अतिरिक्त, स्टाम्पिंग प्लेट को सील करके किसी कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलिंग की जाती है। इसमें पासवर्ड सुरक्षा के लिए प्रावधान किया गया है। आईजीईएम सीपीयू बोर्ड पर सीलिंग (डब्ल्यू एंड एम फ्लैश मेमोरी का) प्रोग्राम लोड "पीआरजी एलओडी" स्विच दिया गया है।

[फा. सं. डब्ल्यू एम 21(140).2011]

जी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th December, 2011

S.O. 1137.—Whereas the Central Government, after considering the report submitted to it along with the model approval certificate issued by the NMi Certain B.V. of the Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the second proviso to Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby approves, issues and publishes the certificate of approval of model of measuring system for liquid other than water [fuel Dispenser for motor vehicles (other than LPG dispenser)] with digital indication of accuracy class "0.5" (hereinafter referred to as said model) of brand "Global Vista series", manufactured by M/s. Dresser Wayne Fuel Equipment (Shanghai) Co. Ltd., 51, Daxiu Road, Tangzheng Industry Park, Pudong, Shanghai. China-201201 and imported in India without any alteration before or after sale by M/s. General Energy Management Systems Pvt. Ltd., 521-522, Commercial Tower, Hotel Le-Meridian, Windsor Place, New Delhi -110001 and which is assigned the approval mark IND/13/11/313;

The said model is a measuring system for liquid other than water [fuel Dispenser for motor vehicles (other than LPG dispenser)]. Its flow rate range is 40 L/min, 70 L/min, 90 L/min and 130 L/min (40 L/min in case of blending). Its minimum flow rate range is 4 L/min with one "Compact Pumping Unit (CPU)" and Dresser Wayne AB measurement transducer to 13 L/min in case of more than one "CPU" and Dresser Wayne AB measurement transducer. Its scale interval is 10 ML. It has electronic display board with maximum volume indication of 6 digits, maximum unit price of 5 digits and maximum price to pay of 7 digits. It is capable of dispensing multiple variety of fuel that is petrol, diesel, gas, oil etc.

Fig. 1 Model

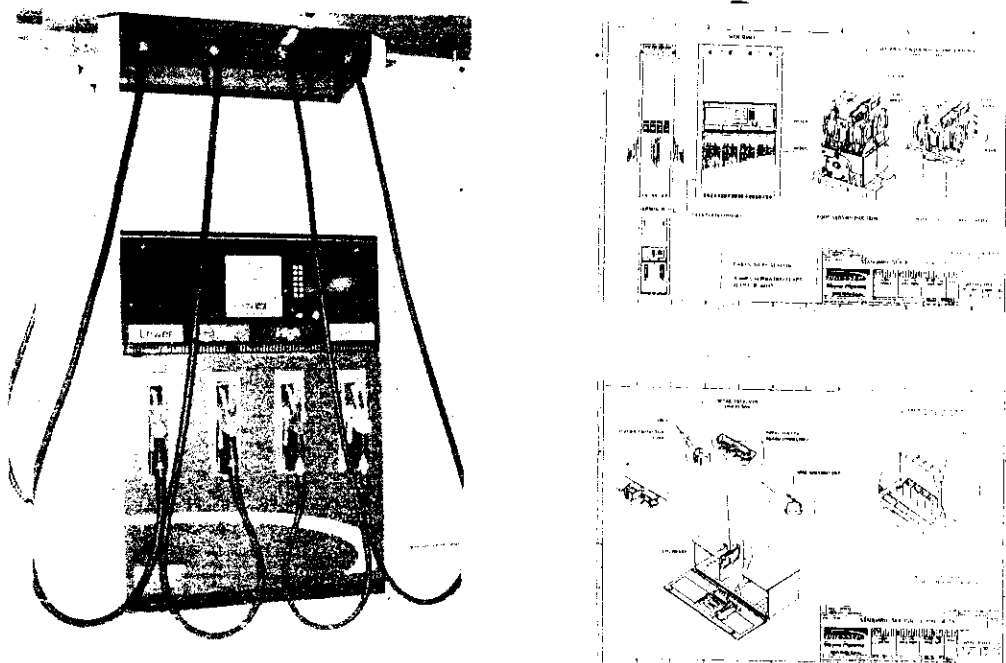


Fig. 2 : Sealing Diagram.

The dispenser is sealed as shown in figure. In addition to sealing of the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices. There is also provision for password protection. Sealing of the (W&M flash memory's) program load "PRG LOAD" switch on the iGEM CPU board is also done.

[F. No. WM-21(140)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 दिसम्बर, 2011

का.आ. 1138.—केन्द्रीय सरकार का, विहित प्राधिकारी फिसीकालिस्च-टेक्नीशच बुन्देसनस्टालट द्वारा जारी मॉडल अनुमोदन प्रमाण-पत्र के साथ द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

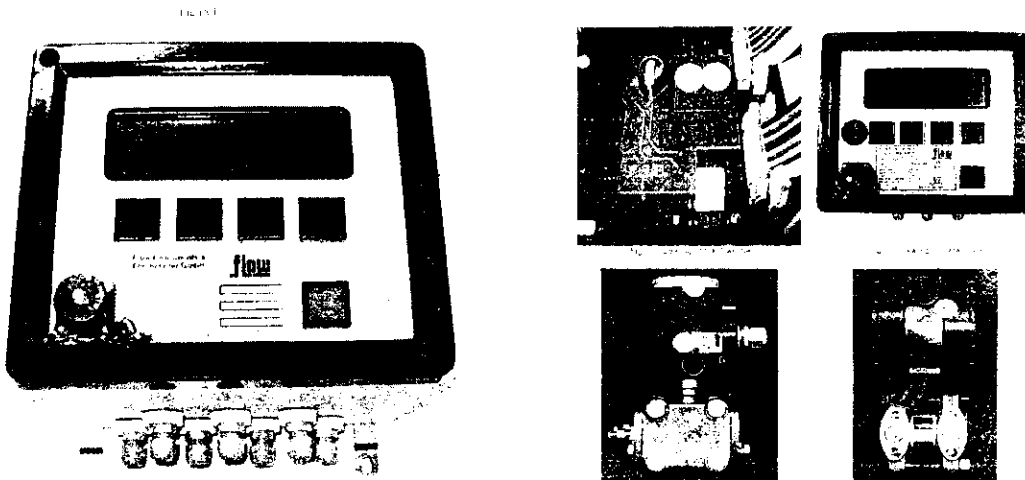
अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फ्लो इंस्ट्रूमेंट एंड इंजीनियरिंग जीएमबीएच हेलिंगनस्टॉक 34 सी-एफ, 42697, सोलिंगन, जर्मनी द्वारा विनिर्मित यथार्थता वर्ग 1.5 वाले द्रवित कार्बन डाइऑक्साइड के लिए मापन प्रणाली के साथ, जिसके ब्राण्ड का नाम 'फ्लोकॉम 2000' (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स शैल एन ट्यूब प्रा. लि., 3 गुलमोर आर्चिड, 29/37, साहनी सुजान पार्क, लुला नगर, पुणे-411040 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में बिक्रीत किया गया और जिसे अनुमोदन चिह्न आई एन डी/13/11/177 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;

उक्त मॉडल एक मिट्रिक प्रणाली है जिसका उपयोग द्रवित कार्बन डाइऑक्साइड (CO_2) के प्रवाह का मापने के लिए किया जाता है। मापने की रेंज मापक तत्व के आकार पर निर्भर करती है। अधिकतम उचित प्रवाह दर (m^3/h) में है और मापक तत्व के अंदर के व्यास का फलन है।

| नॉमिनल साइज (एमएम) | 10 | 16 | 20 | 30 | 40 | 50 | 65 |
|---|----|----|----|----|----|----|-----|
| अधिकतम प्रवाह दर Q_{\max} (m^3/h) | 1 | 2 | 4 | 15 | 30 | 50 | 100 |

न्यूनतम प्रवाह दर Q_{\min} के 0.2 बार है। मापने के लिए उत्पाद की तापमान सीमा -49°C से 5°C तक परिवर्तित है और आस-पास के तापमान की सीमा -25°C से 55°C है। मापमान वृद्धि 1 या 0.1 है। न्यूनतम वितरित मात्रा अनुरूप है परन्तु 100 बार मापमान वृद्धि से कम नहीं होनी चाहिए। मापक की न्यूनतम और अधिकतम लम्बाई अंदर के व्यास के 10 और 5 बार धारा प्रतिकूल और अनुप्रवाह है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

मापविज्ञान सील की सीलिंग स्थिति चित्र में दिखाई गई है। फ्लोकॉम 2000 अंशांकन मूल्यों को पासवर्ड और स्विच द्वारा सुनिश्चित किया जाता है। स्विच को अंशांकन के बाद सत्यापन मुहर से अंकित किया जाता है। संवेदक को अंशांकन के बाद सत्यापन मुहर से अंकित किया जाता है। इसके अलावा, बिजली के तार के अंतिम खण्ड के एनालाग इनपुट को सील किया जाना चाहिए ताकि उन्हें अलग नहीं किया जा सके।

[फा. सं. डब्ल्यू एम-21(15)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th December, 2011

S.O. 1138.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the model approval certificate issued by Physikalisch-Technische Bundesanstalt, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the second proviso to Section 22 of the Legal Metrology Act, 2009 (1 of 2010) and sub-rule (6) of rule 3 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby approves, issues and publishes the certificate of approval of the measuring system for Liquefied Carbon Dioxide with Brand Name "FLOWCOM 2000" and Accuracy Class 1.5 (hereinafter referred to as the said Model), manufactured by M/s. Flow Instruments & Engineering GmbH Heiligenstock 34 C-f, 42697 Solingen, Germany and sold in India without any alteration before or after sale by M/s. Shell N Tube Pvt. Ltd, 3, Gulmohar Orchids, 29/37, Sahney Sujan Park, Lulla Nagar, Pune-411 040 India and which is assigned the approval mark IND/13/11/177:

The said model is a metering system which is used to measure the flow of Liquefied Carbon Dioxide (CO₂). The measuring range depends on the size of metering element. The maximum permissible flow rate in m³/h as a function of inside diameter of the metering element

| Nominal Size (mm) | 10 | 16 | 20 | 30 | 40 | 50 | 65 |
|---|----|----|----|----|----|----|-----|
| Maximum Flow Rate Q_{max} (m ³ /h) | 1 | 2 | 4 | 15 | 30 | 50 | 100 |

The Minimum flow rate is 0.2 times of Q_{max} . Temperature limits of product to be measured varies from -49°C to 5°C and ambient temperature limit is from -25°C to 55°C. Scale increment is 1 or 0.1. Minimum delivered quantity is configurable but must not be less than 100 times scale increment. The Minimum and maximum length of meter run upstream and downstream is 10 times and 5 times of inside diameter.

Figure 1

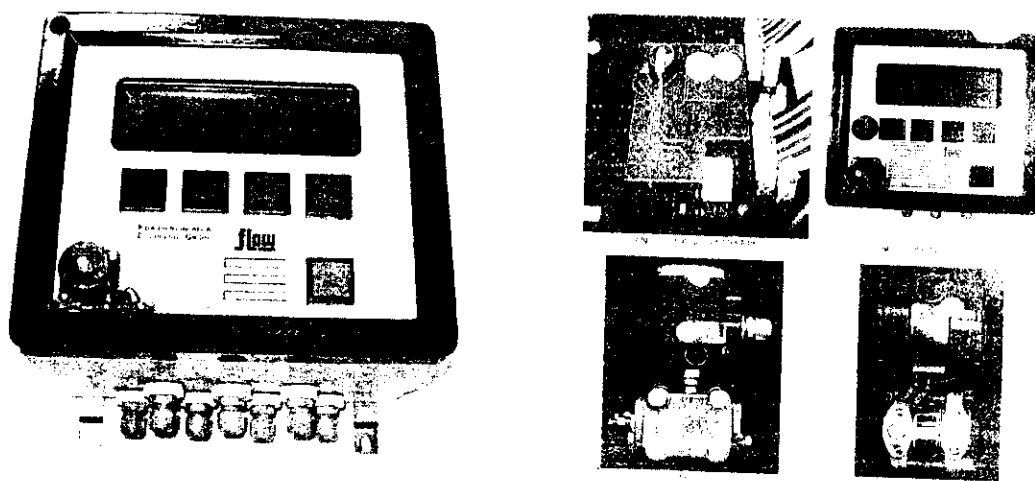


Figure- 2 : Sealing of differential pressure Transmitter.

The Sealing positions of metrological seals are shown in the figure. The Flowcom 2000 calibration values are secured by a password and a switch. The switch is labelled by a verification stamp after calibration. The sensors are labelled by a verification stamp after calibration. Furthermore, the wiring terminal blocks of analog inputs must be sealed so that they cannot be disconnected.

[F.No.WM-21(15)/2011]

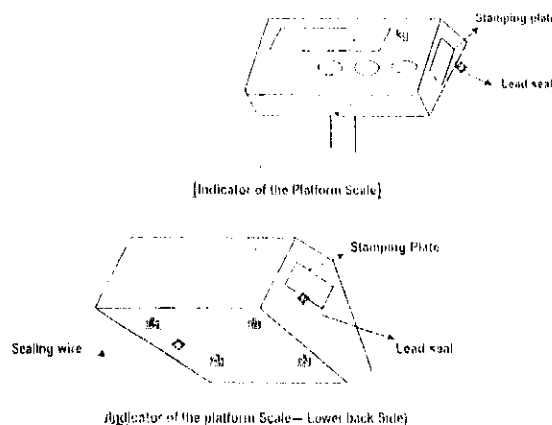
B. N. Dixit, Director of Legal Metrology

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 1139.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जय किशन इंडस्ट्रीज, 21/2, जिओनी मंडी, जोहनस मिल नं. 4, आगरा-282004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जेकेएम” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रॉनिक मिल्क व्हीयर) के मॉडल का, जिसके ब्राण्ड का नाम “जे.के.” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/2012 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलैक्ट्रॉनिक मिल्क व्हीयर) है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर की राइट साइड/वैक साइड में दिए गए छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान 1×10^{-6} , 1×10^{-5} , 1×10^{-4} , 1×10^{-3} , 1×10^{-2} , 1×10^{-1} , 1×10^0 , 1×10^1 , 1×10^2 , 1×10^3 , 1×10^4 , 1×10^5 , 1×10^6 , 1×10^7 , 1×10^8 , 1×10^9 , 1×10^{10} , 1×10^{11} , 1×10^{12} , 1×10^{13} , 1×10^{14} , 1×10^{15} , 1×10^{16} , 1×10^{17} , 1×10^{18} , 1×10^{19} , 1×10^{20} , 1×10^{21} , 1×10^{22} , 1×10^{23} , 1×10^{24} , 1×10^{25} , 1×10^{26} , 1×10^{27} , 1×10^{28} , 1×10^{29} , 1×10^{30} , 1×10^{31} , 1×10^{32} , 1×10^{33} , 1×10^{34} , 1×10^{35} , 1×10^{36} , 1×10^{37} , 1×10^{38} , 1×10^{39} , 1×10^{40} , 1×10^{41} , 1×10^{42} , 1×10^{43} , 1×10^{44} , 1×10^{45} , 1×10^{46} , 1×10^{47} , 1×10^{48} , 1×10^{49} , 1×10^{50} , 1×10^{51} , 1×10^{52} , 1×10^{53} , 1×10^{54} , 1×10^{55} , 1×10^{56} , 1×10^{57} , 1×10^{58} , 1×10^{59} , 1×10^{60} , 1×10^{61} , 1×10^{62} , 1×10^{63} , 1×10^{64} , 1×10^{65} , 1×10^{66} , 1×10^{67} , 1×10^{68} , 1×10^{69} , 1×10^{70} , 1×10^{71} , 1×10^{72} , 1×10^{73} , 1×10^{74} , 1×10^{75} , 1×10^{76} , 1×10^{77} , 1×10^{78} , 1×10^{79} , 1×10^{80} , 1×10^{81} , 1×10^{82} , 1×10^{83} , 1×10^{84} , 1×10^{85} , 1×10^{86} , 1×10^{87} , 1×10^{88} , 1×10^{89} , 1×10^{90} , 1×10^{91} , 1×10^{92} , 1×10^{93} , 1×10^{94} , 1×10^{95} , 1×10^{96} , 1×10^{97} , 1×10^{98} , 1×10^{99} , 1×10^{100} , 1×10^{101} , 1×10^{102} , 1×10^{103} , 1×10^{104} , 1×10^{105} , 1×10^{106} , 1×10^{107} , 1×10^{108} , 1×10^{109} , 1×10^{110} , 1×10^{111} , 1×10^{112} , 1×10^{113} , 1×10^{114} , 1×10^{115} , 1×10^{116} , 1×10^{117} , 1×10^{118} , 1×10^{119} , 1×10^{120} , 1×10^{121} , 1×10^{122} , 1×10^{123} , 1×10^{124} , 1×10^{125} , 1×10^{126} , 1×10^{127} , 1×10^{128} , 1×10^{129} , 1×10^{130} , 1×10^{131} , 1×10^{132} , 1×10^{133} , 1×10^{134} , 1×10^{135} , 1×10^{136} , 1×10^{137} , 1×10^{138} , 1×10^{139} , 1×10^{140} , 1×10^{141} , 1×10^{142} , 1×10^{143} , 1×10^{144} , 1×10^{145} , 1×10^{146} , 1×10^{147} , 1×10^{148} , 1×10^{149} , 1×10^{150} , 1×10^{151} , 1×10^{152} , 1×10^{153} , 1×10^{154} , 1×10^{155} , 1×10^{156} , 1×10^{157} , 1×10^{158} , 1×10^{159} , 1×10^{160} , 1×10^{161} , 1×10^{162} , 1×10^{163} , 1×10^{164} , 1×10^{165} , 1×10^{166} , 1×10^{167} , 1×10^{168} , 1×10^{169} , 1×10^{170} , 1×10^{171} , 1×10^{172} , 1×10^{173} , 1×10^{174} , 1×10^{175} , 1×10^{176} , 1×10^{177} , 1×10^{178} , 1×10^{179} , 1×10^{180} , 1×10^{181} , 1×10^{182} , 1×10^{183} , 1×10^{184} , 1×10^{185} , 1×10^{186} , 1×10^{187} , 1×10^{188} , 1×10^{189} , 1×10^{190} , 1×10^{191} , 1×10^{192} , 1×10^{193} , 1×10^{194} , 1×10^{195} , 1×10^{196} , 1×10^{197} , 1×10^{198} , 1×10^{199} , 1×10^{200} , 1×10^{201} , 1×10^{202} , 1×10^{203} , 1×10^{204} , 1×10^{205} , 1×10^{206} , 1×10^{207} , 1×10^{208} , 1×10^{209} , 1×10^{210} , 1×10^{211} , 1×10^{212} , 1×10^{213} , 1×10^{214} , 1×10^{215} , 1×10^{216} , 1×10^{217} , 1×10^{218} , 1×10^{219} , 1×10^{220} , 1×10^{221} , 1×10^{222} , 1×10^{223} , 1×10^{224} , 1×10^{225} , 1×10^{226} , 1×10^{227} , 1×10^{228} , 1×10^{229} , 1×10^{230} , 1×10^{231} , 1×10^{232} , 1×10^{233} , 1×10^{234} , 1×10^{235} , 1×10^{236} , 1×10^{237} , 1×10^{238} , 1×10^{239} , 1×10^{240} , 1×10^{241} , 1×10^{242} , 1×10^{243} , 1×10^{244} , 1×10^{245} , 1×10^{246} , 1×10^{247} , 1×10^{248} , 1×10^{249} , 1×10^{250} , 1×10^{251} , 1×10^{252} , 1×10^{253} , 1×10^{254} , 1×10^{255} , 1×10^{256} , 1×10^{257} , 1×10^{258} , 1×10^{259} , 1×10^{260} , 1×10^{261} , 1×10^{262} , 1×10^{263} , 1×10^{264} , 1×10^{265} , 1×10^{266} , 1×10^{267} , 1×10^{268} , 1×10^{269} , 1×10^{270} , 1×10^{271} , 1×10^{272} , 1×10^{273} , 1×10^{274} , 1×10^{275} , 1×10^{276} , 1×10^{277} , 1×10^{278} , 1×10^{279} , 1×10^{280} , 1×10^{281} , 1×10^{282} , 1×10^{283} , 1×10^{284} , 1×10^{285} , 1×10^{286} , 1×10^{287} , 1×10^{288} , 1×10^{289} , 1×10^{290} , 1×10^{291} , 1×10^{292} , 1×10^{293} , 1×10^{294} , 1×10^{295} , 1×10^{296} , 1×10^{297} , 1×10^{298} , 1×10^{299} , 1×10^{300} , 1×10^{301} , 1×10^{302} , 1×10^{303} , 1×10^{304} , 1×10^{305} , 1×10^{306} , 1×10^{307} , 1×10^{308} , 1×10^{309} , 1×10^{310} , 1×10^{311} , 1×10^{312} , 1×10^{313} , 1×10^{314} , 1×10^{315} , 1×10^{316} , 1×10^{317} , 1×10^{318} , 1×10^{319} , 1×10^{320} , 1×10^{321} , 1×10^{322} , 1×10^{323} , 1×10^{324} , 1×10^{325} , 1×10^{326} , 1×10^{327} , 1×10^{328} , 1×10^{329} , 1×10^{330} , 1×10^{331} , 1×10^{332} , 1×10^{333} , 1×10^{334} , 1×10^{335} , 1×10^{336} , 1×10^{337} , 1×10^{338} , 1×10^{339} , 1×10^{340} , 1×10^{341} , 1×10^{342} , 1×10^{343} , 1×10^{344} , 1×10^{345} , 1×10^{346} , 1×10^{347} , 1×10^{348} , 1×10^{349} , 1×10^{350} , 1×10^{351} , 1×10^{352} , 1×10^{353} , 1×10^{354} , 1×10^{355} , 1×10^{356} , 1×10^{357} , 1×10^{358} , 1×10^{359} , 1×10^{360} , 1×10^{361} , 1×10^{362} , 1×10^{363} , 1×10^{364} , 1×10^{365} , 1×10^{366} , 1×10^{367} , 1×10^{368} , 1×10^{369} , 1×10^{370} , 1×10^{371} , 1×10^{372} , 1×10^{373} , 1×10^{374} , 1×10^{375} , 1×10^{376} , 1×10^{377} , 1×10^{378} , 1×10^{379} , 1×10^{380} , 1×10^{381} , 1×10^{382} , 1×10^{383} , 1×10^{384} , 1×10^{385} , 1×10^{386} , 1×10^{387} , 1×10^{388} , 1×10^{389} , 1×10^{390} , 1×10^{391} , 1×10^{392} , 1×10^{393} , 1×10^{394} , 1×10^{395} , 1×10^{396} , 1×10^{397} , 1×10^{398} , 1×10^{399} , 1×10^{400} , 1×10^{401} , 1×10^{402} , 1×10^{403} , 1×10^{404} , 1×10^{405} , 1×10^{406} , 1×10^{407} , 1×10^{408} , 1×10^{409} , 1×10^{410} , 1×10^{411} , 1×10^{412} , 1×10^{413} , 1×10^{414} , 1×10^{415} , 1×10^{416} , 1×10^{417} , 1×10^{418} , 1×10^{419} , 1×10^{420} , 1×10^{421} , 1×10^{422} , 1×10^{423} , 1×10^{424} , 1×10^{425} , 1×10^{426} , 1×10^{427} , 1×10^{428} , 1×10^{429} , 1×10^{430} , 1×10^{431} , 1×10^{432} , 1×10^{433} , 1×10^{434} , 1×10^{435} , 1×10^{436} , 1×10^{437} , 1×10^{438} , 1×10^{439} , 1×10^{440} , 1×10^{441} , 1×10^{442} , 1×10^{443} , 1×10^{444} , 1×10^{445} , 1×10^{446} , 1×10^{447} , 1×10^{448} , 1×10^{449} , 1×10^{450} , 1×10^{451} , 1×10^{452} , 1×10^{453} , 1×10^{454} , 1×10^{455} , 1×10^{456} , 1×10^{457} , 1×10^{458} , 1×10^{459} , 1×10^{460} , 1×10^{461} , 1×10^{462} , 1×10^{463} , 1×10^{464} , 1×10^{465} , 1×10^{466} , 1×10^{467} , 1×10^{468} , 1×10^{469} , 1×10^{470} , 1×10^{471} , 1×10^{472} , 1×10^{473} , 1×10^{474} , 1×10^{475} , 1×10^{476} , 1×10^{477} , 1×10^{478} , 1×10^{479} , 1×10^{480} , 1×10^{481} , 1×10^{482} , 1×10^{483} , 1×10^{484} , 1×10^{485} , 1×10^{486} , 1×10^{487} , 1×10^{488} , 1×10^{489} , 1×10^{490} , 1×10^{491} , 1×10^{492} , 1×10^{493} , 1×10^{494} , 1×10^{495} , 1×10^{496} , 1×10^{497} , 1×10^{498} , 1×10^{499} , 1×10^{500} , 1×10^{501} , 1×10^{502} , 1×10^{503} , 1×10^{504} , 1×10^{505} , 1×10^{506} , 1×10^{507} , 1×10^{508} , 1×10^{509} , 1×10^{510} , 1×10^{511} , 1×10^{512} , 1×10^{513} , 1×10^{514} , 1×10^{515} , 1×10^{516} , 1×10^{517} , 1×10^{518} , 1×10^{519} , 1×10^{520} , 1×10^{521} , 1×10^{522} , 1×10^{523} , 1×10^{524} , 1×10^{525} , 1×10^{526} , 1×10^{527} , 1×10^{528} , 1×10^{529} , 1×10^{530} , 1×10^{531} , 1×10^{532} , 1×10^{533} , 1×10^{534} , 1×10^{535} , 1×10^{536} , 1×10^{537} , 1×10^{538} , 1×10^{539} , 1×10^{540} , 1×10^{541} , 1×10^{542} , 1×10^{543} , 1×10^{544} , 1×10^{545} , 1×10^{546} , 1×10^{547} , 1×10^{548} , 1×10^{549} , 1×10^{550} , 1×10^{551} , 1×10^{552} , 1×10^{553} , 1×10^{554} , 1×10^{555} , 1×10^{556} , 1×10^{557} , 1×10^{558} , 1×10^{559} , 1×10^{560} , 1×10^{561} , 1×10^{562} , 1×10^{563} , 1×10^{564} , 1×10^{565} , 1×10^{566} , 1×10^{567} , 1×10^{568} , 1×10^{569} , 1×10^{570} , 1×10^{571} , 1×10^{572} , 1×10^{573} , 1×10^{574} , 1×10^{575} , 1×10^{576} , 1×10^{577} , 1×10^{578} , 1×10^{579} , 1×10^{580} , 1×10^{581} , 1×10^{582} , 1×10^{583} , 1×10^{584} , 1×10^{585} , 1×10^{586} , 1×10^{587} , 1×10^{588} , 1×10^{589} , 1×10^{590} , 1×10^{591} , 1×10^{592} , 1×10^{593} , 1×10^{594} , 1×10^{595} , 1×10^{596} , 1×10^{597} , 1×10^{598} , 1×10^{599} , 1×10^{600} , 1×10^{601} , 1×10^{602} , 1×10^{603} , 1×10^{604} , 1×10^{605} , 1×10^{606} , 1×10^{607} , 1×10^{608} , 1×10^{609} , 1×10^{610} , 1×10^{611} , 1×10^{612} , 1×10^{613} , 1×10^{614} , 1×10^{615} , 1×10^{616} , 1×10^{617} , 1×10^{618} , 1×10^{619} , 1×10^{620} , 1×10^{621} , 1×10^{622} , 1×10^{623} , 1×10^{624} , 1×10^{625} , 1×10^{626} , 1×10^{627} , 1×10^{628} , 1×10^{629} , 1×10^{630} , 1×10^{631} , 1×10^{632} , 1×10^{633} , 1×10^{634} , 1×10^{635} , 1×10^{636} , 1×10^{637} , 1×10^{638} , 1×10^{639} , 1×10^{640} , 1×10^{641} , 1×10^{642} , 1×10^{643} , 1×10^{644} , 1×10^{645} , 1×10^{646} , 1×10^{647} , 1×10^{648} , 1×10^{649} , 1×10^{650} , 1×10^{651} , 1×10^{652} , 1×10^{653} , 1×10^{654} , 1×10^{655} , 1×10^{656} , 1×10^{657} , 1×10^{658} , 1×10^{659} , 1×10^{660} , 1×10^{661} , 1×10^{662} , 1×10^{663} , 1×10^{664} , 1×10^{665} , 1×10^{666} , $1 \times$

New Delhi, the 13th December, 2011

S.O. 1139.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Milk Weigher) with digital indication of medium accuracy (Accuracy class-III) of series "JKM" and with brand name "J.K." (hereinafter referred to as the said model), manufactured by M/s Jai Kishan Industries, 21 /2, Jeoni Mandi, John's Mill No. 4, Agra-282004 and which is assigned the approval mark IND/09/11/202;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Milk Weigher) with a maximum capacity of 500kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

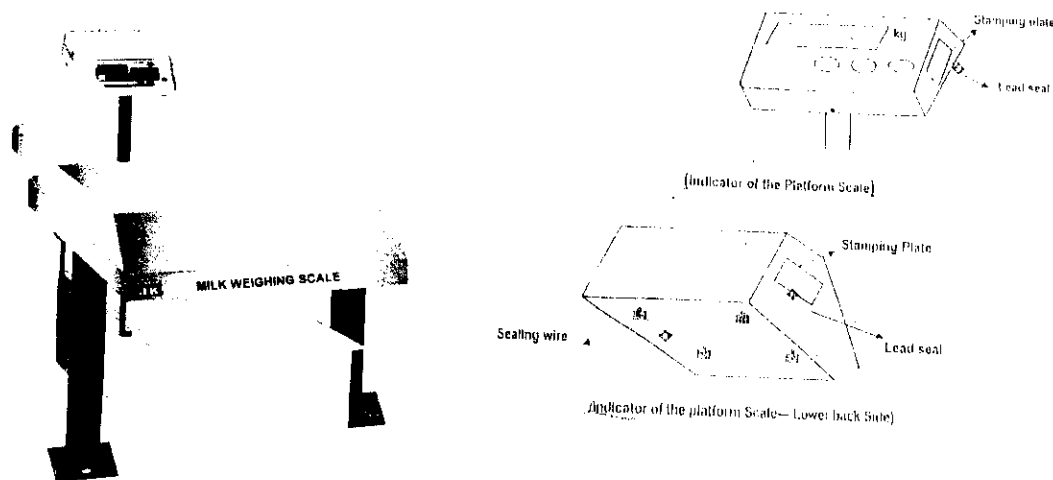


Figure- 2 Sealing provision of the indicator of model.

Sealing is done by passing the sealing wire from the body of the indicator through holes on right side/back side of the indicator. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments or similar make, accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (123)/20101
B. N. DIXIT, Director of Legal Metrology

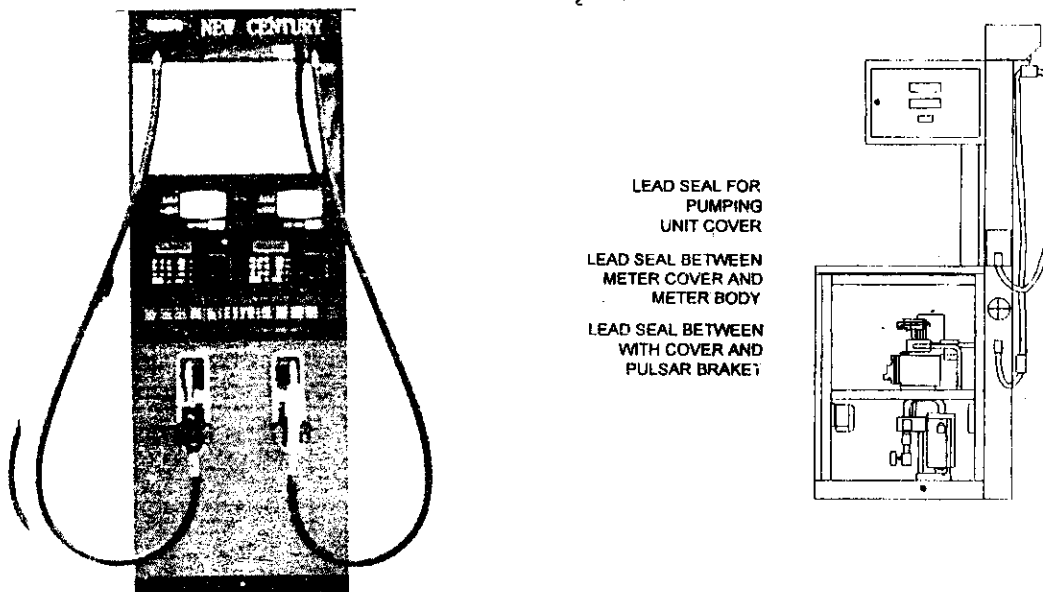
नई दिल्ली, 19 दिसम्बर, 2011

का.आ. 1140.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) और उप-धारा (8) के तिसरे पारन्तुक द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स एक्सियामेन रोगडिंग न्यूसेचुरी पेट्रोलियम इक्विपमेंट मैन्यूफैक्चरिंग कं. लि. नं. 1299, टोंगिजी एम रोड, टोंग, एन, एक्सियामेन चीन-361100 द्वारा विनिर्मित और मैसर्स आटोवाश टेक्नोलॉजी, एफ/सी, मधुलता अपार्टमेंट, सुभाष नगर स्क्वेयर नागपुर-440022 द्वारा भारत में विपणीत यथार्थता वर्ग 0.5 वाले "आरएक्स" शृंखला के "पानी के अलावा अन्य द्रव्यों हेतु मीटर" (फ्यूल डिस्पेंसर) अंकक सूचन सहित, जिसके ब्राण्ड का नाम "न्यू सेंचुरी" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) के माडल और जिसे अनुमोदन चिह्न आई एन डी/09/10/ समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल पानी के अलावा अन्य द्रव्यों हेतु मीटर (फ्यूल डिस्पेंसर) है जो पोजीटिव डिस्पलेसमेंट मीटर के सिद्धांत पर कार्य करता है। इसकी अधिकतम फ्लो दर 40 लीटर/मिनट और न्यूनतम फ्लो दर 04 लीटर/मिनट है। सबसे छोटा प्रभाग 10 मि ली है। इसमें मूल्य रुपए में 6 अंकों तक और टोटलाइजर 12 अंकों तक है। इन मापनों के अंकों को द्रव क्रिस्टल डायोड (एल सी डी) डिस्पले पर परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इस में बहुप्रकार के ईंधन जैसे कि गैसोलिन, डीजल ऑयल, केरोसीन इत्यादि के वितरण करने की क्षमता है। पम्प में 1 से 2 होज के साथ प्रचालन सुविधा जैसे प्रीसेट, नॉनप्रीसेट, इलेक्ट्रॉनिक केलिब्रेशन, कार्ड रीडर और प्रिंटर, इलेक्ट्रॉनिक/इलेक्ट्रोमैकैनीकल टोटलाइजर आदि हैं।

आकृति 1



आकृति-2 सीलिंग प्रावधान।

स्टाम्पिंग प्लेट की सीलिंग के अतिरिक्त, नट एंड बोल्ट में से सीलिंग वायर निकाल कर एसेम्बलिंग प्लग से सील किया जाता है। लोड सील तोड़े बिना केलिब्रेशन व्हील अभिगमन नहीं कर सकता। पल्सर ब्रास्केट पर लगाई गई लोड सील तोड़े बिना इलेक्ट्रॉनिक केलिब्रेशन अभिगमन नहीं कर सकता।

मॉडल में इलेक्ट्रो-इलेक्ट्रो मैकलीकल टोटलाइजर/इलेक्ट्रॉनिक टोटलाइजर है। इसमें मैकनीकल केलिब्रेशन डिवाइस के अतिरिक्त इलेक्ट्रॉनिक केलिब्रेशन, कार्ड रीडिंग और प्रिंटिंग सुविधा युक्त है।

[फा. सं. डब्ल्यू एम-21(01)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2011

S.O. 1140.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of model of Meter for Liquid other than Water (Fuel Dispenser) with digital indication of accuracy class 0.5 (hereinafter referred to as said model) of series 'RX' with brand name "NEW CENTURY", manufactured by M/s. Xiamen Rongxing Newcentury Petroleum Equipment Mfg. Co., Ltd., No., 1299, Tongji M. Road, Tong' An, Xiamen China-361100 and marketed in India by M/s. Autowash Technologies, F/C, Madhulata Apartments, Subhash Nagar Square, Nagpur-440022 India and which is assigned the approval mark IND/09/10/ ;

The said model is a Meter for Liquid other than Water (Fuel Dispenser) working on the principle of positive displacement meter. Its maximum flow rate is 40 lpm and minimum flow rate is 04 litre/minute. The smallest division is 10 ml. It has indication of 6 digits for amount in Rupees, and totalizer upto 12 digits. The indications of the measurement are displayed on Liquid Crystal Diode (LCD) Display type. It operates on 230V, 50 Hertz alternate current power supply. It is capable of dispensing multiple variety of fuel that is Gasoline, diesel oil, kerosene etc. The pump consists of 1 to 2 hoses with optional feature like preset, nonpreset, electronic calibration, card reader and printer, electronic/electromechanical totalizer etc.

Figure 1 Model

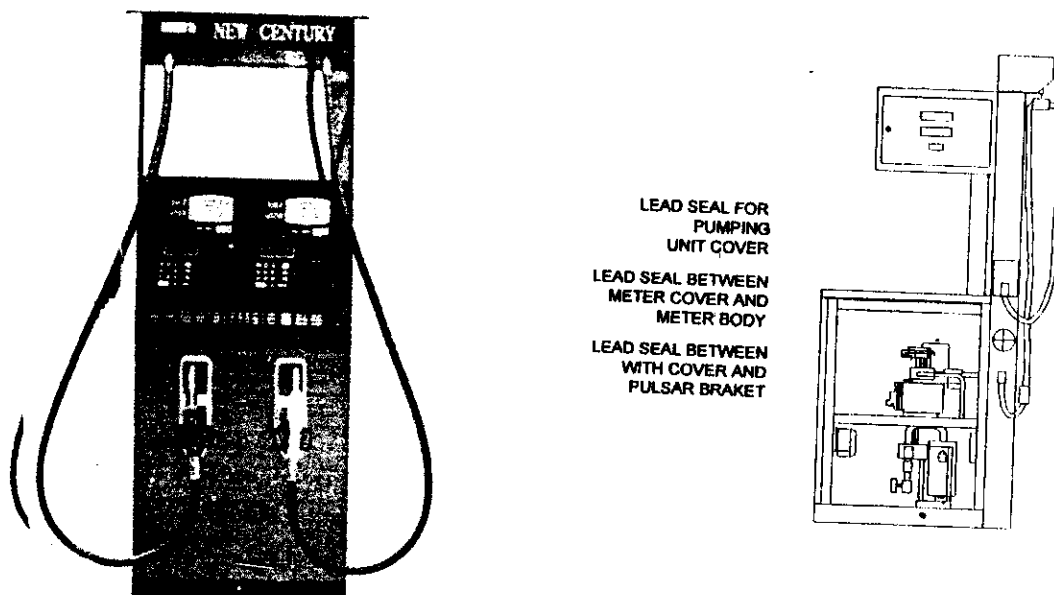


Fig. 2- Sealing arrangement.

In addition to sealing the stamping plate, sealing shall also be done by passing sealing wire through the nut and bolt assembly plugged by a seal. The calibration wheel can not be accessed without breaking the lead seal. The electronic calibration cannot be accessed without breaking the lead seal on the pulsar bracket.

The said model has electro-mechanical totalizer/electronic totalizer. It is also having electronic calibration facility in addition to mechanical calibration device, card reading and printing facility.

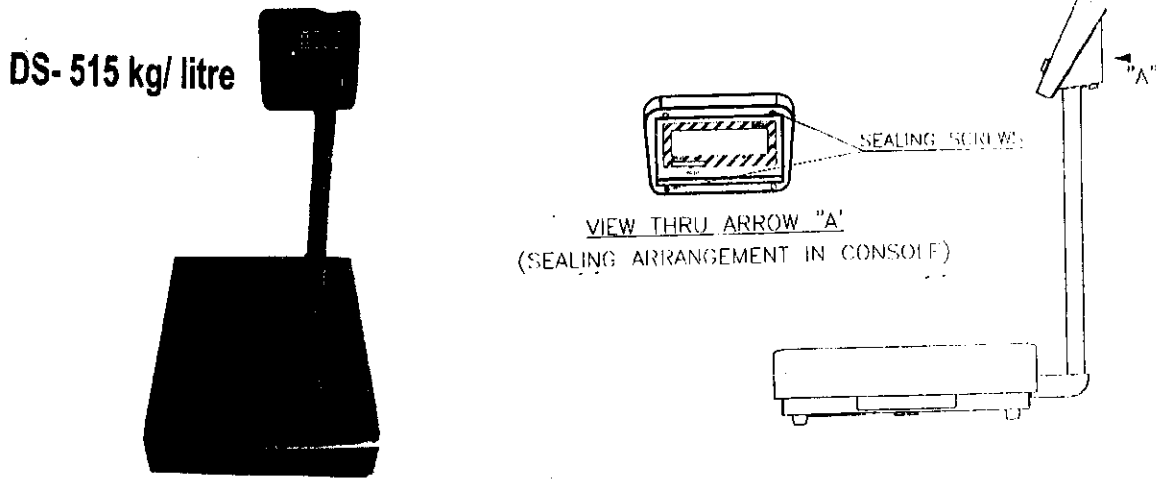
[F.No. WM-21(01)/2010]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 19 दिसम्बर, 2011

का.आ. 1141.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एस्से-टेरोका लि. नं. 377/22, छठा क्रॉस, विलसन गार्डन, बेंगलूर-560027 विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डीएस-515" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एस्से" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/205 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप कि. ग्रा. को लीटर में बदलने की सुविधा सहित) है। इसकी अधिकतम क्षमता 15 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(380)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December. 2011

S.O. 1141.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of High Accuracy (Accuracy class-II) of series "DS-515" and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560027 and which is assigned the approval mark IND/09/11/205;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type with kg to litre conversion facility) with a maximum capacity of 15 kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

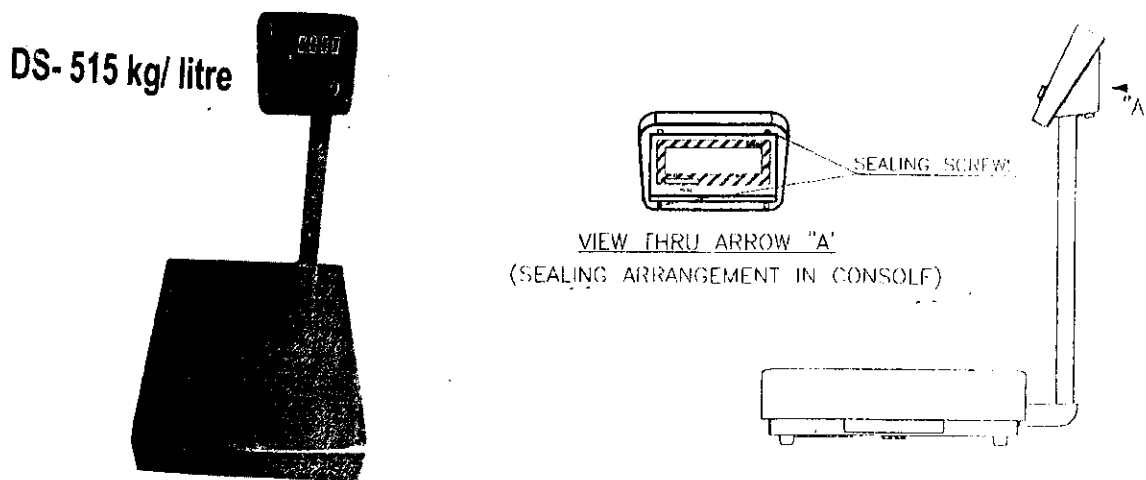


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A jumper short has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No.WM-21(380)/2010]
B. N. DIXIT, Director of Legal Metrology

[फा. सं. डब्ल्यू एम-21(380)/2010]
 श्री. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2011

S.O. 1142.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of Medium Accuracy (Accuracy class-III) of series “DS-515” and with brand name “ESSAE” (hereinafter referred to as the said model), manufactured by M/s. Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560027 and which is assigned the approval mark IND/09/11/206;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type-Dual Interval-with kg to litre conversion facility) with a maximum capacity of 15 kg. and minimum capacity of 20g. The verification scale interval (e) is 1g up to 7.5 kg and above 7.5 kg and up to 15 kg is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

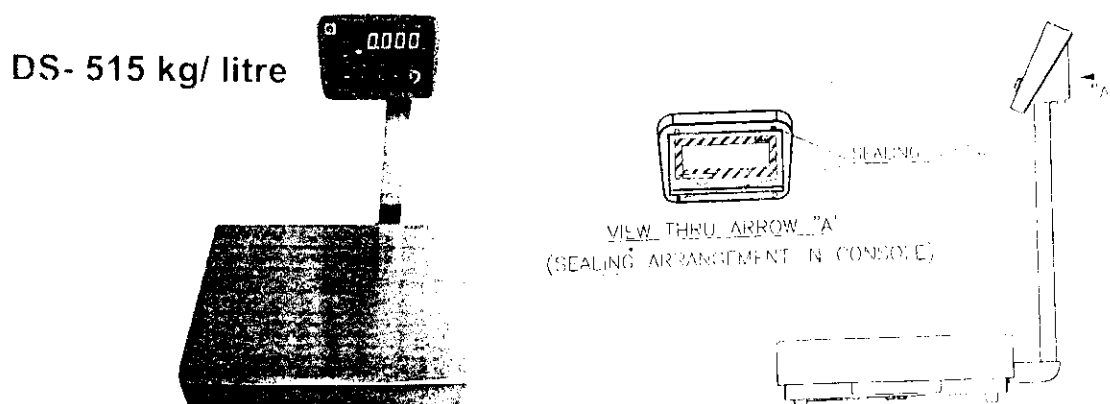


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A jumper short has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(380)/2010]

B. N. DIXIT, Director of Legal Metrology

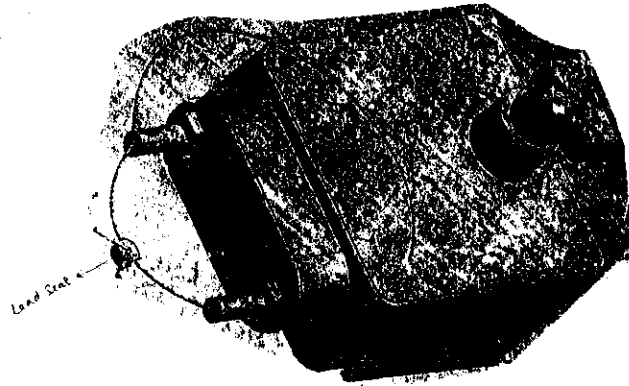
नई दिल्ली, 19 दिसम्बर, 2011

का.आ. 1143.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009(2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिसिसन इलेक्ट्रॉनिक्स इंस्ट्रूमेंट्स कं., एच-45, उद्योग नगर, पीरागढ़ी, दिल्ली-41 द्वारा विनिर्मित “जीईएम-एफएचआई” श्रृंखला के अंकक सूचन सहित “टैक्सी मीटर” के मॉडल का, जिसके ब्राण्ड का नाम “गोल्डटैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/176 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल “टैक्सी मीटर” मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का ‘के’ फेक्टर 1700 प्लसेस प्रति किलोमीटर पर चलता है। इंडिकेटर में 6 अंक अधिकतम किराया सूचन के लिए, 4 अंक अधिकतम दूरी दर्शाने के लिए और 4 अंक अधिकतम समय दर्शाने के लिए है। प्रिंटर, मोबाइल कम्युनिकेशन और जीपीएस सुविधाओं को टैक्सीमीटर के साथ जोड़ा जाना चाहिए।

आकृति-1



आकृति-2 मॉडल के सीलिंग प्रावधान का योजनाबद्ध डायग्राम।

सीलिंग स्कू सीलिंग बुश और सीलिंग डिस्क में होल बना कर, इनमें से सीलिंग वायर निकाल कर सीलिंग की जाती है और सीलिंग डिस्क पर लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम-21(234)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th December, 2011

S.O. 1143.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-rule (6) of rule 8 and sub-rule (2) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi Meter" with digital indication (hereinafter referred to as the said model) of "GEM-FH1" series and with brand name "GOLDTECH" manufactured by M/s. Precision Electronic Instruments Co., H-45, Udyog Nagar, Peeragarhi, Delhi-110041 and which is assigned the approval mark IND/09/11/176;

The said model of "Taxi Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance travelled and below a certain speed, the fare is calculated as function of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The 'k' factor of the Taxi Meter is 1700 pulses per kilometer. The indicator have 6 digits for maximum fare indication, 4 digits for maximum distance indication and 4 digits for maximum time indication. Printer, Mobile communication and GPS facility are supplementary devices which may be attached with the taximeter.

Figure-1

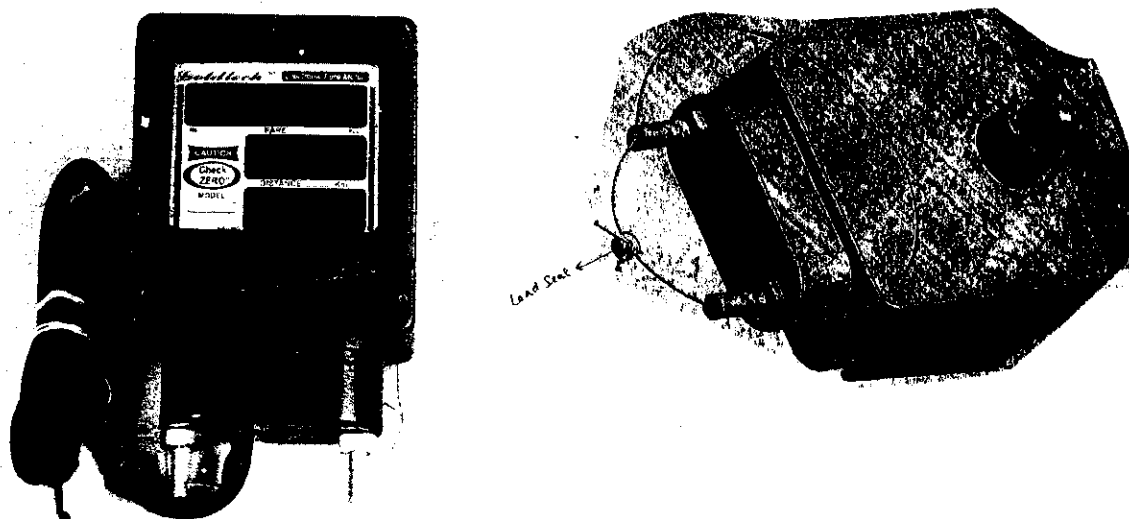


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done by making the holes and passing a seal wire through sealing screw, sealing bush and sealing disk, and then a lead seal is applied on the sealing disk. A schematic diagram of sealing provision of the model is given above.

[F. No. WM-21(234)/2010]

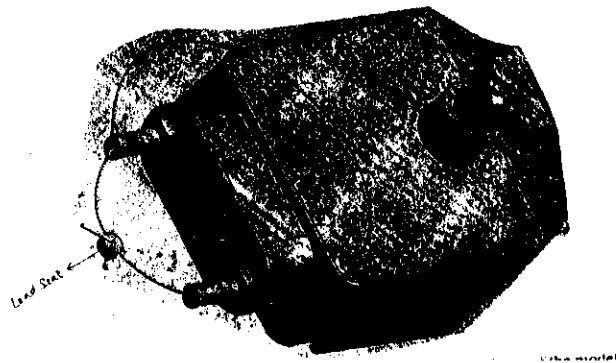
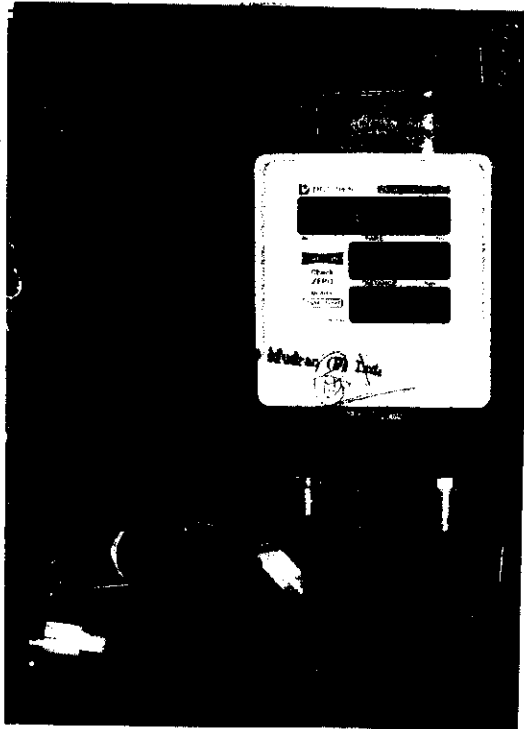
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 20 दिसम्बर, 2011

का.आ. 1144.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स देवीश्री मुद्रण (प्रा.) लि., 900 एमआईई, बहादुरगढ़, हरियाणा द्वारा विनिर्मित “डीएम-एफएच” शृंखला के अंकक सूचन सहित “टैक्सी मीटर” के मॉडल का, जिसके ब्राण्ड का नाम “डाल्फिन” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/175 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल “टैक्सी मीटर” मापन उपकरण है। जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े से स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का ‘के’ फेक्टर 1700 प्लसेस प्रति किलोमीटर पर चलता है। इंडिकेटर में 6 अंक अधिकतम किराया सूचन के लिए, 4 अंक अधिकतम दूरी दर्शाने के लिए और 4 अंक अधिकतम समय दर्शाने के लिए है। प्रिंटर, मोबाइल कम्युनिकेशन और जीपीएस सुविधाओं को टैक्सीमीटर के साथ जोड़ा जाना चाहिए।



आकृति-2 मॉडल के सीलिंग प्रावधान का योजनाबद्ध डायग्राम।

सीलिंग स्कू कर, सीलिंग बुश और सीलिंग डिस्क में होल बना कर, इनमें से सीलिंग वायर निकालकर सीलिंग की जाती है और सीलिंग डिस्क पर लीड सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम-21(235)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th December, 2011

S.O. 1144.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-rule (6) of rule 8 and sub-rule (2) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of "Taxi Meter" with digital indication (hereinafter referred to as the said model) of "DM-FH" series and with brand name "DOLPHIN" manufactured by M/s. Devishree Mudran (P) Ltd., 900, MIE, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/11/175;

The said model of "Taxi Meter" is a measuring instrument which totalizes continuously and indicates the fare at any moment of journey the charges payable by the passenger of a public vehicle as function of the distance traveled and below a certain speed, the fare is calculated as function of the time taken. This being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The 'k' factor of the Taxi Meter is 1700 pulses per kilometer. The indicator have 6 digits for maximum fare indication, 4 digits for maximum distance indication and 4 digits for maximum time indication. Printer, Mobile communication and GPS facility are supplementary devices which may be attached with the taximeter.

Figure-1

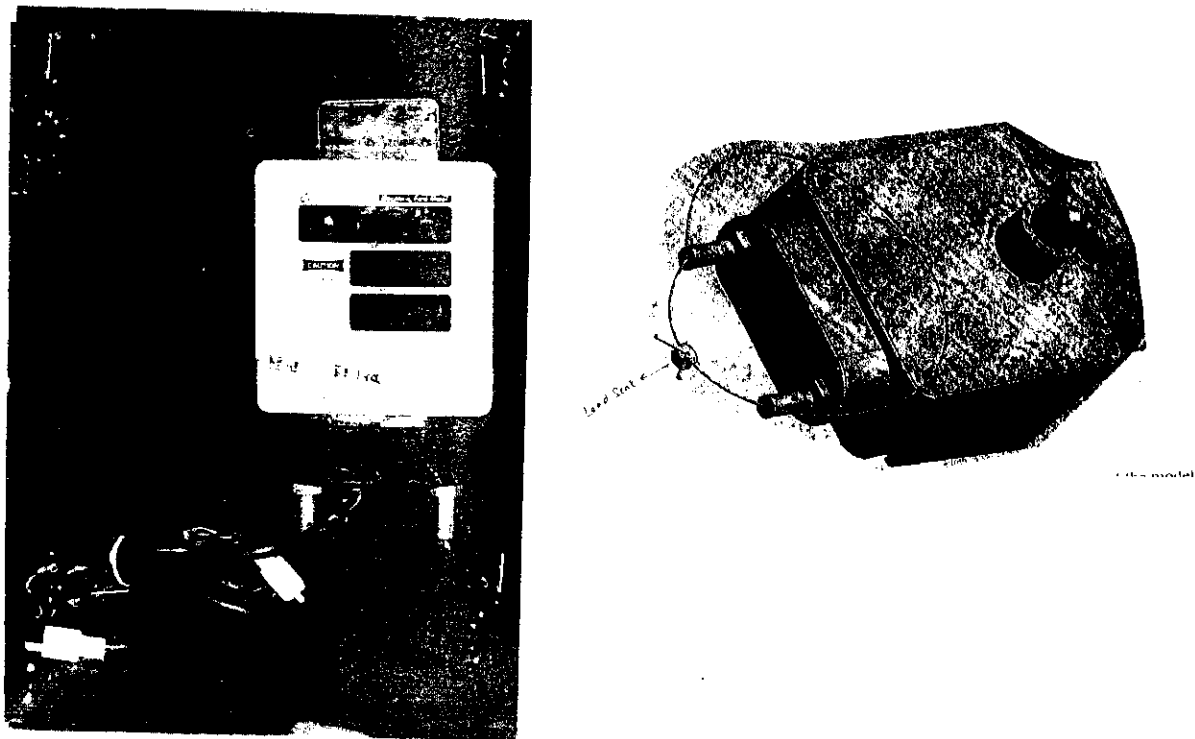


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done by making the holes and passing a seal wire through sealing screw, sealing bush and sealing disk, and then a lead seal is applied on the sealing disk. A schematic diagram of sealing provision of the model is given above.

[F. No. WM-21(235)/2010]

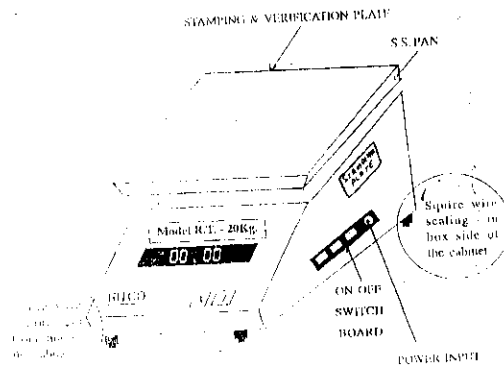
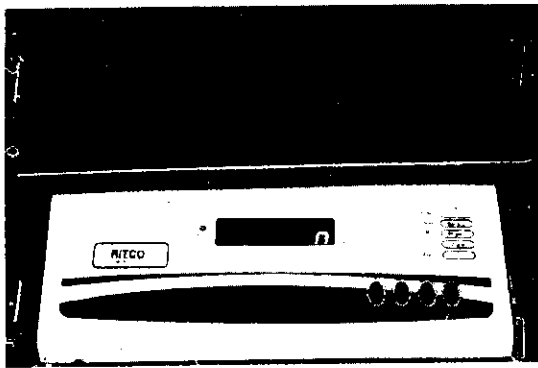
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 20 दिसम्बर, 2011

का. आ. 1145.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स लिब्रा स्केल इंडस्ट्रीज, 120/पी, इंडस्ट्रियल एरिया, तुपुदाना, रांची-834003, झारखण्ड द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “आरटी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “रिटको” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/369 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(260)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th December, 2011

S.O. 1145.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium Accuracy (Accuracy class -III) of Series "RT" and with brand name "RITCO" (hereinafter referred to as the said Model), manufactured by M/s. Libra Scale Industries, 120/P, Industrial Area, Tupudana, Ranchi-834003, Jharkhand and which is assigned the approval mark IND/09/11/369;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 20 kg. and minimum capacity of 40 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

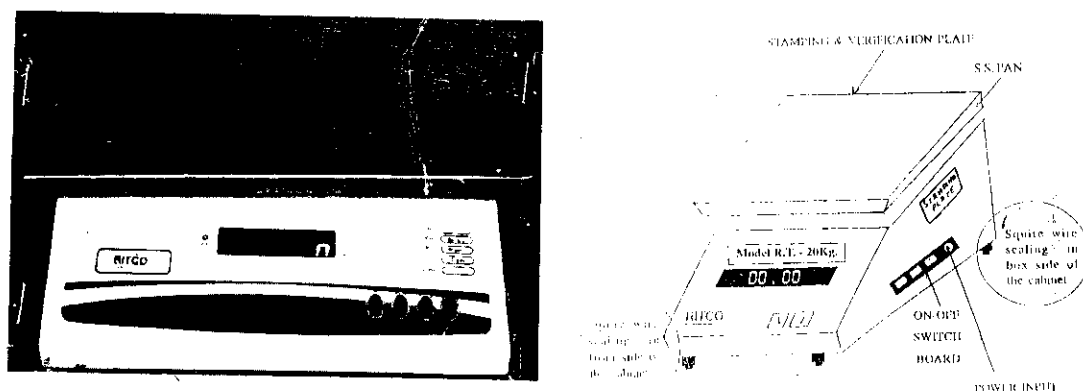


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(260)/2010]

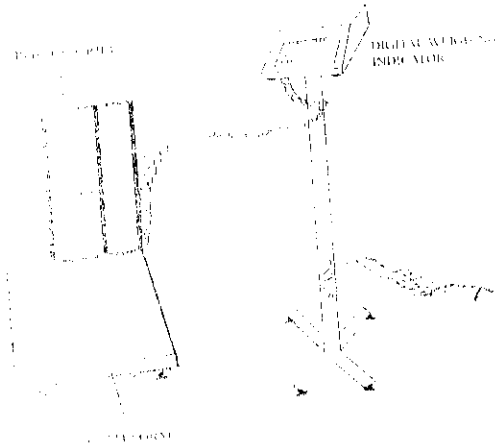
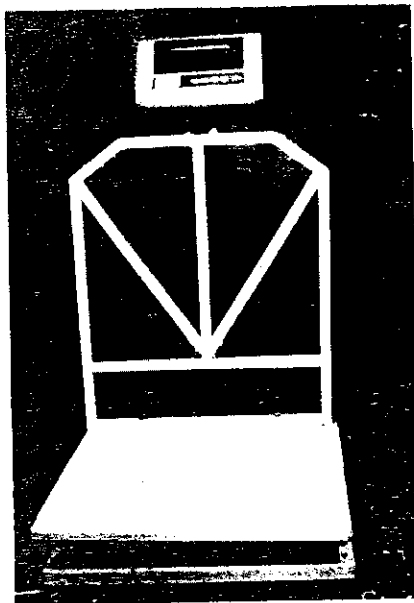
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 20 दिसम्बर, 2011

का. आ. 1146.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स लिब्रा स्केल इंडस्ट्रीज, 120/पी, इंडस्ट्रीयल एरिया, तुपुदाना, रांची-834003, झारखण्ड द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आरपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "रिटको" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/370 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बनें दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड मदर बोर्ड में डिप स्विच भी दिया गया है।

और, केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(260)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th December, 2011

S.O. 1146.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium Accuracy (Accuracy class -III) of Series "RP" and with brand name "RITCO" (hereinafter referred to as the said Model), manufactured by M/s. Libra Scale Industries, 120/P, Industrial Area, Tupudana, Ranchi-834003, Jharkhand and which is assigned the approval mark IND/09/11/370;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 120 kg. and minimum capacity of 400 g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

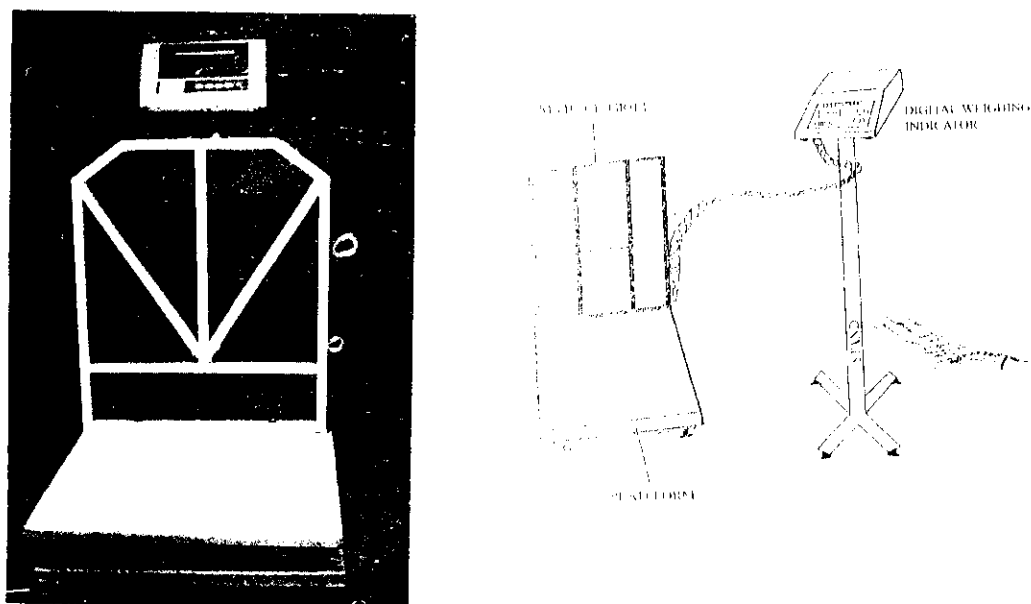


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved Model has been manufactured.

[E.No.WM-21(260)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 12 मार्च, 2012

का.आ. 1147.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं :-

अनुसूची

| क्रम सं. | स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक | नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष | स्थापित तिथि |
|----------|--|---|-----------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 11763 : 2011/आई एस ओ 5943 : 2006 पनीर और प्रसंस्करित पनीर उत्पाद-क्लोराइड अंश ज्ञात करना - विभवमापी अनुमापन पद्धति (तीसरा पुनरीक्षण) | आई एस 11763 : 2005/ आई एम ओ 5943 : 2004 | 31 दिसम्बर 2011 |
| 2. | आई एस 11920 : 2012/आई एस ओ 5550 : 2006 केसिन और केसिनेट- नमी की मात्रा ज्ञात करना संदर्भ पद्धति (पहला पुनरीक्षण) | आई एस 11920 : 1987/ आई एस ओ 5550 : 1978 | 29 फरवरी 2012 |
| 3. | आई एस 12757 : 2012/आई एस ओ/टी एस 2963 : 2006 पनीर और प्रसंस्करित पनीर उत्पाद-सिट्रिक अम्ल अंश ज्ञात करना - एन्जाइमेटिक पद्धति (दूसरा पुनरीक्षण) | आई एस 12757 : 2005/ आई एस ओ 2963 : 1997 | 29 फरवरी 2012 |

इन भारतीय मानक(कों)की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एफएडी/जी-128]

डॉ. आर. के. बजाज, वैज्ञानिक एफ एवं प्रमुख (खाद्य एवं कृषि)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 12th March, 2011

S. O. 1147.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are give in the Schedule hereto annexed has been established on the date indicated against it :—

SCHEDULE

| Sl. No. | No. and year of the Indian Standards Established | No. and Year of Indian Standards, if any, Superseded by the New Indian Standard | Date of Established |
|---------|---|---|---------------------|
| (1) | (2) | (3) | (4) |
| 1. | IS 11763 : 2011/ISO 5943:2006 Cheese and processed cheese products- Determination of chloride content- Potentiometric titration method (third revision) | IS 11763 : 2005/ ISO 5943: 2004 | 31 December 2011 |

| (1) | (2) | (3) | (4) |
|-----|---|-------------------------------------|-------------------|
| 2. | IS 11920 : 2012/ISO 5550:2006 Caseins and Caseinates- Determination of moisture content (Reference method) (first revision) | IS 11920 : 1987/ ISO 5550: 1978 | 29 February, 2012 |
| 3. | IS12757 : 2012/ISO/TS 2963: 2006 Cheese and processed cheese products - Determination of citric acid content - Enzymatic method (second revision) | IS 12757 : 2005 / ISO 2963: 1997 | 29 February, 2012 |

Copies of this Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref:FAD/G-128]

Dr. R. K. BAJAJ, Scientist F & Head (Food and Agri.)

नई दिल्ली, 13 मार्च, 2012

का.आ. 1148.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (4) के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

| क्रम सं. | लाइसेंस संख्या सीएम/एल | स्वीकृत करने की तिथि | लाइसेंसधारी का नाम व पता | भारतीय मानक का शीर्षक | भा. मा. | भाग | अनु. | वर्ष |
|----------|------------------------|----------------------|--|--|---------|-----|------|------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| 1. | L-9914496 | 7-2-2012 | मै. कौशल ज्वैल्स एंड डायमंड्स, गांधी बाजार गणपति प्लाजा, तहसील नारनौल, जिला महेन्द्रगढ़-123001 हरियाणा | स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषण शिल्पकारी—शुद्धता एवं मुहरांकन | 1417 | — | — | 1999 |
| 2. | L-9918407 | 9-2-2012 | मै. धानुका एग्रीटैक लि., दौलताबाद रोड जिला : गुड़गांव, हरियाणा | पेस्टीसाइड्स-पैन्डीमैथालिन इ सी | 12751 | — | — | 1989 |
| 3. | L-9917910 | 22-2-2012 | मै. लाला दालचन्द ज्वैल्स, चूड़ी वाली गली, नया बाजार, जिला गुड़गांव, हरियाणा | स्वर्ण एवं स्वर्ण मिश्र धातुओं के आभूषण शिल्पकारी—शुद्धता एवं मुहरांकन | 1417 | — | — | 1999 |

[सं. सीएमडी/13:11]

एम. सदाशिवम, वैज्ञानिक-एफ तथा प्रमुख (एफडीओ)

New Delhi, the 13th March, 2012

S.O. 1148.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

| Sl. No. | Licences No.CM/L- | Grant Date | Name and Address of the Licencee | Title of the Standard | IS No. | Part | Sec. | Year |
|---------|-------------------|------------|--|---|--------|------|------|------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| 1. | L-9914496 | 7-2-2012 | M/s. Kaushal Jwls. & Diamonds, Gandhi Bazar, Ganpati Plaza Tehsil Narnaul Distt: Mahendragarh-123001 Haryana | Gold and gold alloys, Jewellery/ artefacts—fineness and marking | 1417 | - | - | 1999 |
| 2. | L-9918407 | 9-2-2012 | M/s. Dhanuka Agritech Ltd., Daultabad Road, Distt : Gurgaon, Haryana | Pesticides- Pendimethalin EC | 12751 | - | - | 1989 |
| 3. | L-9917910 | 22-2-2012 | M/s.Lala Dalchand Jewellers Churi Wali Gali, Naya Bazar, Gurgaon Distt: Gurgaon, Haryana | Gold and gold alloys, Jewellery/ artefacts—fineness and marking | 1417 | - | - | 1999 |

[No. CMD/13 : 11]

M. SADASIVAM, Scientist-F & Head (FDO)

नई दिल्ली, 13 मार्च, 2012

का.आ. 1149.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

| क्र. सं. | लाइसेंस संख्या सीएम/एल | लाइसेंसधारी का नाम व पता | लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक | रद्द करने की तिथि |
|----------|------------------------|--|---|-------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | एल-9090779 | मै. दुर्गा सिमेण्ट प्रा. लि., 1 मील पत्थर, बहरोर-रोड, नारनौल, जिला : महेन्द्रगढ़ -123001, हरियाणा | 43 ग्रेड साधारण पोर्टलैंड सिमेंट आईएस 8112: 1989 | 7-2-2012 |

[सं. सीएमडी/13:13]

एम. सदाशिवम, वैज्ञानिक एफ एवं प्रमुख

New Delhi, the 13th March, 2012

S.O. 1149.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled /suspended with effect from the date indicated against each :—

SCHEDULE

| Sl. No. | Licence No. | Name and Address of the Party | Article/Process with relevant Indian Standards covered by the licence cancelled suspension | Date of Cancellation |
|---------|-------------|---|--|----------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | L-9090779 | M/s. Durga Cement Pvt. Ltd., 1 km stone, Behror Road, Narnaul, Distt : Mahendragarh-123001 Haryana | 43 Grade Ordinary Portland Cement, IS 8112 : 1989 | 7-2-2012 |

[No. CMD/13:13]

M. SADASIVAM, Scientist 'F' & Head

नई दिल्ली, 15 मार्च, 2012

का.आ. 1150.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

| क्रम सं. | स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक | नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष | स्थापित तिथि |
|----------|---|---|------------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस /आई एस ओ 15761 : 2002 (आई एस 11733 : 1986 का अतिक्रमण) पैट्रोलियम और प्राकृतिक गैस उद्योगों के लिए डी एन 100 और छोटे साइजों के इस्पात गेट, ग्लोब और चैक वाल्व | आई एस 11733 : 1986 पैट्रोलियम तथा पैट्रोलसायन तथा संबद्ध उद्योग के इस्पात वेज गेट, ग्लोब और चैक वाल्व की विशिष्टि (सामान्य साइज 50 मिमी और उससे छोटे) | 31 दिसम्बर, 2011 |
| 2. | आई एस /आई एस ओ 817 : 2005 (आई एस 10609 : 1986 का अतिक्रमण) प्रशीतक—अभिनाम प्रणाली | आई एस 10609 : 1986 प्रशीतक—अभिनाम संख्या | 31 दिसम्बर, 2011 |

इन भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: कोलकता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : एम.ई.डी./जी-2:1]

जे. ए. सिद्दीकी, वैज्ञानिक 'ई', निदेशक (यांत्रिक इंजीनियरिंग)

New Delhi, the 15th March, 2012

S. O. 1150.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are give in the Schedule hereto annexed has been established on the date indicated against each :—

SCHEDULE

| Sl. No. | No. and Year of the Indian Standards Established | No. and Year of Indian Standards, if any, Superseded by the New Indian Standard | Date of Established |
|---------|--|--|---------------------|
| (1) | (2) | (3) | (4) |
| 1. | IS/ISO 15761:2002 (Superseding IS 11733:1986) Steel gate, globe and check valves for sizes DN 100 and smaller, for petroleum and natural gas industries. | IS 11733 : 1986 Specification for steel wedge gate globe and check valves for petroleum, petrochemical and allied industries (Nominal size 50mm and smaller) | 31 December, 2011 |
| 2. | IS/ISO 817:2005 (Superseding IS 10609:1983) Refrigerants - Designation system | IS 10609 : 1983 Refrigerants - Number designation | 31 December, 2011 |

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram. On-line purchase of Indian Standard can be made at : <http://www.standardsbis.in>.

[Ref:MED/G-2:1]

J.A. SIDDIQUI, Scientist 'E', Director (Mechanical Engineering)

नई दिल्ली, 20 मार्च, 2012

का.आ. 1151.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक में संशोधन किया गया है :—

अनुसूची

| क्रम संख्या | संशोधित भारतीय मानक की संख्या और वर्ष | संशोधन की संख्या और तिथि | संशोधन लागू होने की तिथि |
|-------------|---------------------------------------|--------------------------|--------------------------|
| (1) | (2) | (3) | (4) |
| 1. | आई एस 1200 (भाग 1): 1992 | 1 मार्च, 2012 | 31 मार्च, 2012 |
| 2. | आई एस 1200 (भाग 13): 1992 | 2 मार्च, 2012 | 31 मार्च, 2012 |
| 3. | आई एस 11401 (भाग 2): 1990 | 1 मार्च, 2012 | 31 मार्च, 2012 |

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110092, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: सीईडी/राजपत्र]

ए.के. सैनी, वैज्ञानिक 'जी' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 20th March, 2012

S.O. 1151.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which is given in the Schedule hereto annexed have been issued :

SCHEDULE

| SI No. | No. and year of the Indian Standards | No. and year of the amendment | Date from which the amendment shall have effect |
|--------|--------------------------------------|-------------------------------|---|
| (1) | (2) | (3) | (4) |
| 1. | IS 1200 (Part 1): 1992 | 1 March, 2012 | 31 March, 2012 |
| 2. | IS 1200 (Part 13): 1992 | 2 March, 2012 | 31 March, 2012 |
| 3. | IS 11401 (Part 2): 1990 | 1 March, 2012 | 31 March, 2012 |

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bhadur Shah Jafar Marg, New Delhi-110 002 and Regional Offices : New-Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A.K. SAINI, Scientist. 'G' & Head (Civil Engg.)

कोयला मंत्रालय

नई दिल्ली, 20 मार्च, 2012

का.आ. 1152.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार में कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्या का.आ. 448, तारीख 1 फरवरी, 2010 जो भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii), तारीख 13 फरवरी, 2010 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 570.000 हेक्टर (लगभग) या 1408.47 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में निहित उक्त भूमि के भाग में कोयला अभिप्राप्त है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए :—

(क) इससे संलग्न अनुसूची "क" में वर्णित 482.660 हेक्टर (लगभग) या 1192.65 एकड़ (लगभग) माप की उक्त भूमि के भू-सतह अधिकार का अर्जन करने के अपने आशय की सूचना ;

(ख) इससे संलग्न अनुसूची "ख" में वर्णित 72.000 हेक्टर (लगभग) या 177.91 एकड़ (लगभग) माप की उक्त भूमि के सभी अधिकार का अर्जन करने के अपने आशय की सूचना देती है ।

टिप्पण 1: इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या एस.ई.सी.एल/बी.एस.पी/जी.एम (पीएलजी)/भूमि/410, तारीख 24 अगस्त, 2011 का निरीक्षण कलेक्टर, जिला-सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, कार्डिसल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है ।

टिप्पण 2: उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है ।

अर्जन के बाबत् आपत्तियाँ :—

"8(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत् धारा 7(1) के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा ।

स्पष्टीकरण :

(1) इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रियाएं करना चाहता है और ऐसी सक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए ।

(2) उप-धारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने

के पश्चात्, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़े या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3 : केन्द्रीय सरकार ने कोयला नियंत्रक, 1, कार्डिसल हाउस स्ट्रीट, कोलकाता-700001 को भारत के राजपत्र, भाग-II, खंड-3, उपखंड (ii), तारीख 4 अप्रैल, 1987 में प्रकाशित अधिसूचना संख्यांक का.आ. 905, तारीख 20 मार्च, 1987 उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची “क”

सेंधोपारा ब्लाक, भटगांव क्षेत्र

जिला-सरगुजा (छत्तीसगढ़)

[रेखांक संख्या एस.ई.सी.एल/बी.एस.पी/जी.एम(पीएलजी)/भूमि/410 तारीख 24 अगस्त, 2011]

भू-सतह अधिकार :—

ब्लाक-1 :

(क) राजस्व भूमि :

| क्र.सं. | ग्राम का नाम | पटवारी हल्का संख्या | ग्राम संख्या | तहसील | जिला | क्षेत्र हेक्टर में | टिप्पण |
|---------|--------------|---------------------|--------------|-----------|--------|--------------------|--------|
| 1. | बंसीपुर | 17 | 44 | प्रतापपुर | सरगुजा | 122.240 | भाग |

कुल : 122.240 हेक्टर (लगभग) या 302.06 एकड़ (लगभग)

(ख) राजस्व वन भूमि :

| क्र.सं. | ग्राम का नाम | पटवारी हल्का संख्या | ग्राम संख्या | तहसील | जिला | क्षेत्र हेक्टर में | टिप्पण |
|---------|--------------|---------------------|--------------|-----------|--------|--------------------|--------|
| 1. | बंसीपुर | 17 | 44 | प्रतापपुर | सरगुजा | 65.420 | भाग |

कुल : 65.420 हेक्टर (लगभग) या 161.65 एकड़ (लगभग)

(ग) आरक्षित वन भूमि :

| क्र.सं. | वन का प्रकार | कम्पार्टमेंट संख्या | उप संभाग | संभाग | क्षेत्र हेक्टर में | टिप्पण |
|---------|--------------|---------------------|----------|---------------|--------------------|--------|
| | आरक्षित वन | पी 1682 और पी 1683 | सुरजपुर | दक्षिण सरगुजा | 295.000 | भाग |

कुल : 295.000 हेक्टर (लगभग) या 728.94 एकड़ (लगभग)

कुल योग (क+ख+ग): 122.240+65.420+295.000=482.660 हेक्टर (लगभग) या 1192.65 एकड़ लगभग

1. ग्राम बंसीपुर (भाग) में अर्जित किए जाने वाले प्लॉट संख्या : 473(भाग), 473/1987(भाग), 475(भाग), 476(भाग), 715(भाग), 716(भाग), 718(भाग), 719(भाग), 720, 721 (भाग), 722(भाग), 724(भाग), 725(भाग), 1146(भाग), 1148(भाग), 1151 (भाग), 1153, 1154, 1155(भाग), 1156 से 1164, 1166 से 1211, 1212 (भाग), 1213(भाग), 1279(भाग), 1280(भाग), 1299(भाग), 1300 (भाग), 1301 से 1314, 1315(भाग), 1316(भाग), 1317(भाग), 1318 से 1376, 1377(भाग), 1378(भाग), 1379 से 1388, 1389 (भाग), 1400(भाग), 1401 से 1523, 1524(भाग), 1525(भाग), 1526(भाग), 1528 से 1714, 1716(भाग), 1717(भाग), 1722(भाग), 1723(भाग), 1724 से 1735, 1736 (भाग), 1737, 1738 (भाग), 1990.

सीमा वर्णन :

क-ख-ग-रेखा ग्राम बंसीपुर के सीमा में बिन्दु “क” से आरंभ होती है और आरक्षित वन कम्पार्टमेंट संख्या 1683 के दक्षिणी एवं पश्चिमी भाग तथा बिन्दु “ख” और “ग” से होती हुई बिन्दु “घ” पर मिलती है।

घ-ङ-च रेखा आरक्षित वन कम्पार्टमेंट संख्या 1683 के पश्चिमी भाग से होकर ग्राम बंसीपुर में प्रवेश कर प्लॉट संख्या 1738, 1736, 1723, 1699, 1719, 1717, 1716, 1714, 725, 724, 721, 722, 719, 718, 716, 715, 476, बिन्दु “ड”, 475, 473, 473/1987, 1526, 1525, 1524, 1400, 1389, 1279, 1280, 1378, 1377, 1299, 1300, 1315, 1317, 1316, 1212, 1213, 1155, 1146, 1148, 1151 से होती हुई बिन्दु “च” पर मिलती है।

च-छ रेखा ग्राम बंसीपुर के प्लॉट संख्या 1153, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1164, 1178, 1177, 1176, 1166 के उत्तरी सीमा तथा आरक्षित वन कम्पार्टमेंट संख्या 1682 से होती हुई बिन्दु “छ” पर मिलती है।

छ-ज-झ रेखा आरक्षित वन कम्पार्टमेंट संख्या 1682 तथा बिन्दु “ज” से होती हुई बिन्दु “झ” पर मिलती है।

झ-ज-ट- रेखा आरक्षित वन कम्पार्टमेंट संख्या 1682, 1683 के पूर्वी भाग, बिन्दु “ज” फिर कम्पार्टमेंट संख्या 1683 के दक्षिणी भाग, बिन्दु “ट” और

ठ-ड “ठ” से होती हुई बिन्दु “ड” पर मिलती है।

ड-द रेखा ग्राम बंसीपुर के भागदः सीमा से होती हुई आरंभिक बिन्दु “क” पर मिलती है।

अनुसूची “ख”

सभी अधिकार :

ब्लॉक-II :

आरक्षित वन भूमि :

| क्र.सं. | वन का प्रकार | कम्पार्टमेंट संख्या | उप संभाग | संभाग | क्षेत्र हेक्टर में | टिप्पण |
|---------|--------------|---------------------|----------|---------------|--------------------|--------|
| 1. | आरक्षित वन | पी 1682 | सुरजपुर | दक्षिण सरगुजा | 72.000 | भाग |

कुल : 72.000 हेक्टर (लगभग) या 177.91 एकड़ (लगभग)

कुल योग (ब्लॉक-I+ब्लॉक-II) : 482.660+72.000 = 544.660 हेक्टर (लगभग) या 1370.56 एकड़ (लगभग)

सीमा वर्णन :

ब्लॉक-II :

छ-द-झ रेखा आरक्षित वन कम्पार्टमेंट संख्या 1682 में बिन्दु “छ” से आरंभ होती है और आरक्षित वन कम्पार्टमेंट संख्या 1682 के उत्तरी और पूर्वी भाग तथा बिन्दु “द” से होती हुई बिन्दु “झ” पर मिलती है।

झ-ज-छ रेखा आरक्षित वन कम्पार्टमेंट संख्या 1682 के मध्य भाग और बिन्दु “ज” से होती हुई आरंभिक बिन्दु “छ” पर मिलती है।

[फा. सं. 43015/27/2009-पीआरआईडब्ल्यू-1]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

New Delhi, the 20th March, 2012

S.O. 1152 .—Whereas, by the notification of the Government of India in the Ministry of Coal number S.O. 448 dated 1st February, 2010, issued under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section 3, sub-section (ii), dated 13th February, 2010 the Central Government gave notice of its intention to prospect for coal in 570.000 hectares (approximately) or 1408.47 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And, whereas the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule(s) appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby gives notice of its intention to acquire :—

(a) the land measuring 482.660 hectares (approximately) or 1192.65 acres (approximately) as Surface Rights in or over the said lands described in the Schedule “A” appended hereto;

(b) the land measuring 72.000 hectares (approximately) or 177.91 acres (approximately) as all rights in or over the said lands described in the Schedule "B" appended hereto.

Note 1 : The plan bearing Number SECL/ BSP/ GM(PLG)/ LAND/ 410 dated the 24th August, 2011 of the area covered by this notification may be inspected at the Office of the Collector, Surguja (Chhattisgarh) or at the Office of the Coal Controller, 1, Council House Street, Kolkata - 700001 or at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006(Chhattisgarh).

Note 2 : Attention is hereby invited to the provisions of Section 8 of the said Act which provides as follows:—

Objection to acquisition:

"8(1) Any person interested in any land in respect of which a notification under Section 7(1) has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation,—

(1) It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1, Council House Street, Kolkata, 700001, has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published in Part -II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th April, 1987.

SCHEDULE "A"

Sendhopara Block, Bhatgaon Area District-Surguja, Chhattisgarh

(Plan bearing number SECL/BSP/GM/PLG/LAND/412, dated the 24th August, 2011)

Surface Right:

Block-I:

(A) Revenue Land:

| Sl. No. | Name of Village | Patwari Halka Number | Village Number | Name of Tahsil | Name of District | Area in hectares | Remarks |
|---------|-----------------|----------------------|----------------|----------------|------------------|------------------|---------|
| 1. | Bansipur | 17 | 44 | Pratappur | Surguja | 122.240 | Part |

Total : 122.240 hectares (approximately) or 302.06 acres (approximately)

(B) Revenue Forest Land:

| Sl. No. | Name of Village | Patwari Halka Number | Village Number | Name of Tehsil | Name of District | Area in hectares | Remarks |
|---------|-----------------|----------------------|----------------|----------------|------------------|------------------|---------|
| 1. | Bansipur | 17 | 44 | Pratappur | Surguja | 65.420 | Part |

Total : 65.420 hectares (approximately) or 161.65 acres (approximately)

(C) Reserve Forest Land :

| Sl. No. | Type of Forest | Compartment Number | Sub-Divison | Division | Area in hectares | Remarks |
|--|----------------|--------------------|-------------|----------------|------------------|---------|
| 1. | Reserve Forest | P 1682 and P 1683 | Surajpur | South Surgurja | 295.000 | Part |
| Total :- 295.000 Hectares (approximately) or 728.94 Acres (approximately) | | | | | | |
| Total (A+B+C)=122.240+65.420+295.000= 482.660 hectares (approximately) or 1192.65 acers (approximately) | | | | | | |

1. Plot numbers to be acquired in village Bansipur (Part): 473(P), 473/1987(P), 475(P), 476(P), 715(P), 716(P), 718(P), 719(P), 720, 721 (P), 722(P), 724(P), 725(P), 1146(P), 1148(P), 1151 (P), 1153, 1154, 1155(P), 1156 to 1164, 1166 to 1211, 1212(P), 1213(P), 1279(P), 1280(P), 1299(P), 1300(P), 1301 to 1314, 1315(P), 1316(P), 1317(P), 1318 to 1376, 1377(P), 1378(P), 1379 to 1388, 1389(P), 1400(P), 1401 to 1523, 1524(P), 1525(P), 1526(P), 1528 to 1714, 1716(P), 1717(P), 1722(P), 1723(P), 1724 to 1735, 1736(P), 1737, 1738(P), 1990.

Boundary Description:—

A-B-C-D Line starts from point 'A' on the village boundary of village Bansipur and passes through southern and western part of Reserve Forest Compartment number 1683, point "B" and "C" and meets at point 'D'.

D-E-F Line passes through western part of Reserve Forest Compartment number 1683 then enter in village Bansipur and passes through plot number 1738, 1736, 1723, 1699, 1719, 1717, 1716, 1714, 725, 724, 721, 722, 719, 718, 716, 715, 476, point "E", 475, 473, 473/1987, 1526, 1525, 1524, 1400, 1389, 1279, 1280, 1378, 1377, 1299, 1300, 1315, 1317, 1316, 1212, 1213, 1155, 1146, 1148, 1151 and meets at point "F" near southern bank of Mahan River.

F-G Line passes in village Bansipur along northern boundary of plot number 1153, 1155, 1156, 1157, 1158, 1160, 1161, 1162, 1164, 1178, 1177, 1176, 1166 then enter and passes through Reserve Forest Compartment number 1682 and meets at point 'G'.

G-H Line passes in Reserve Forest through Compartment number 1682, point "H" and meets at point 'I'.

I-J-K-L-M Line passes in Reserve Forest through eastern part of Compartment number 1682, 1683, point "J" then southern part of Compartment number 1683, point "K", point "L" and meets at point 'M'.

M-A Line passes along partly village boundary of village Bansipur and meets at starting point "A".

Schedule "B"**All Rights:****Block - II :****Reserve Forest Land:**

| Sl. No. | Type of Forest | Compartment Number | Sub Divison | Division | Area in hectares | Remarks |
|---|----------------|--------------------|-------------|---------------|------------------|---------|
| 1. | Reserve Forest | P 1682 | Surajpur | South Surguja | 72.000 | Part |
| Total :- 72.000 hectares (approximately) or 177.91 acres (approximately) | | | | | | |

Grand Total (Block I + Block II): 482.660+72.000= 554.660 hectares (approximately) or 1370.56 acers (approximately)

Boundary Description:

G-N-I Line starts from point "G" in Reserve Forest Compartment number 1682 and passes through northern and eastern part of Compartment number 1682, point "N" and meets at point "I".

H-I-G Line passes in Reserve Forest Compartment number 1682 and passes through middle part of Compartment number 1682, point "H" and meets at starting point "G".

[F. No. 43015/27/2009-PRIW-I]

A.K. DAS, Under Secy.

नई दिल्ली, 22 मार्च, 2012

का.आ. 1153.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में वर्णित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

उक्त अनुसूची में वर्णित भूमि के अन्तर्गत आने वाले क्षेत्र के ब्यौरे रेखांक संख्या एसईसीएल/बीएसपी/जीएम(पीएलजी)/भूमि/413 तारीख 26 सितम्बर, 2011 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि से कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में विहित भूमि में हितबद्ध कोई व्यक्ति, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के समक्ष-

- (i) संपूर्ण भूमि या उसके किसी भाग के अर्जन या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के प्रति आक्षेप कर सकेगा, या
- (ii) भूमि में के प्रतिकर में किसी हित का या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का दावा कर सकेगा; या
- (iii) प्रभावहीन हो गई पूर्वक्षण अनुज्ञप्तियों, खनन पट्टों के अधीन अर्जित किये जाने पर अधिकारों के लिये प्रतिकर की मांग कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट भूमि के कोरों से संग्रहण या अन्य खनिज नमूनों तथा उनके सम्यक् विश्लेषण को तथा किसी अन्य सुसंगत अभिलेख या सामग्रियों की निर्मिति से संबंधित सभी मानचित्र, चार्ट और अन्य दस्तावेज परिदत्त कर सकेगा ।

अनुसूची

सेन्धोपारा-II ब्लाक (महामाया यूजी), भटगांव क्षेत्र

जिला - सरगुजा (छत्तीसगढ़)

रेखांक संख्या एसईसीएल/बीएसपी/जीएम(पीएलजी)/भूमि/413 तारीख 26 सितम्बर, 2011

क. राजस्व भूमि

| क्र.सं. | ग्राम का नाम | ग्राम नम्बर | तहसील का नाम | जिला का नाम | क्षेत्र हेक्टर में | टिप्पणी |
|---------|--------------|-------------|--------------|-------------|--------------------|---------|
| 1. | कपसरा | 15 | भैयाथान | सरगुजा | 129.320 | भाग |
| 2. | बरौधी | 16 | भैयाथान | सरगुजा | 8.280 | भाग |
| 3. | जरही | 20 | प्रतापपुर | सरगुजा | 96.230 | भाग |
| 4. | सेन्धोपारा | 21 | प्रतापपुर | सरगुजा | 86.790 | भाग |
| 5. | दुरती | 22 | प्रतापपुर | सरगुजा | 91.230 | भाग |

कुल :- 411.850 हेक्टर (लगभग) या 1017.69 एकड़ (लगभग)

ख. राजस्व वन भूमि (सीजेजे/बीजेजे) :

| क्र.सं. | ग्राम का नाम | ग्राम नम्बर | तहसील का नाम | जिला का नाम | क्षेत्र हेक्टर में | टिप्पणी |
|---------|--------------|-------------|--------------|-------------|--------------------|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 1. | कपसरा | 15 | भैयाथान | सरगुजा | 7.520 | भाग |
| 2. | बरौधी | 16 | भैयाथान | सरगुजा | 0.600 | भाग |

| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
|-----|------------|-----|-----------|--------|--------|-----|
| 3. | जरही | 20 | प्रतापपुर | सरगुजा | 31.910 | भाग |
| 4. | सेन्धोपारा | 21 | प्रतापपुर | सरगुजा | 5.830 | भाग |
| 5. | दुरती | 22 | प्रतापपुर | सरगुजा | 72.950 | भाग |

कुल :- 118.810 हेक्टर (लगभग) या 293.57 एकड़ (लगभग)

ग. आरक्षित वन भूमि :

| क्र.संख्या | कम्पार्टमेंट संख्या | उप संभाग | संभाग | क्षेत्र हेक्टर में | टिप्पण |
|------------|---------------------|----------|---------------|--------------------|--------|
| 1. | 1681 (पी) | भैयाथान | दक्षिण सरगुजा | 71.290 | भाग |

कुल क्षेत्र :- 71.290 हेक्टर (लगभग) या 176.16 एकड़ (लगभग)

कुल योग (क+ख+ग): 601.950 हेक्टर (लगभग) या 1487.420 एकड़ (लगभग)

सीमा वर्णन :—

ब्लाक-I :

क-ख-ग रेखा ग्राम कपसरा में “क” बिन्दु से आरंभ होती है और ग्राम कपसरा के पश्चिमी भाग और बिन्दु “ख” से होती हुई बिन्दु “ग” पर मिलती है ।

ग-ङ-ड- रेखा ग्राम कपसरा के उत्तरी भाग, बिन्दु “घ”, “ङ” से होती हुई “च” बिन्दु पर मिलती है ।

च

च-छ-क रेखा ग्राम कपसरा के पश्चिमी भाग, बिन्दु “छ” से होती हुई आरंभिक बिन्दु “क” पर मिलती है ।

ब्लाक-II :

च-ज रेखा ग्राम कपसरा में “च” बिन्दु से आरंभ होती है और ग्राम कपसरा के उत्तरी भाग से होती हुई ग्राम कपसरा-सेन्धोपारा के सम्मिलित सीमा में बिन्दु “ज” पर मिलती है ।

ज-झ-ञ- रेखा ग्राम सेन्धोपारा के मध्य भाग, बिन्दु “झ”, “ञ”, “ट” से होती हुई ग्राम दुरती-सेन्धोपारा की सम्मिलित सीमा में बिन्दु “ठ” पर मिलती है ।

ठ-ड रेखा ग्राम दुरती के दक्षिणी भाग से होती हुई मसान नाला के पश्चिमी किनारे में बिन्दु “ड” पर मिलती है ।

ड-ढ-ण रेखा मसान नाला के समानान्तर और बिन्दु “ड” से गुजरती हुई ग्राम दुरती-जरही की सम्मिलित सीमा में बिन्दु “ण” पर मिलती है ।

ण-त-थ रेखा ग्राम जरही के मध्य और दक्षिणी भाग एवं बिन्दु “त” से होती हुई बिन्दु “थ” पर मिलती है ।

थ-द रेखा ग्राम जरही के पश्चिमी भाग से होती हुई ग्राम जरही-बरौधी की सम्मिलित सीमा में बिन्दु “द” पर मिलती है ।

द-ध रेखा ग्राम बरौधी के पूर्वी भाग से होती हुई ग्राम कपसरा-बरौधी की सम्मिलित सीमा में बिन्दु “ध” पर मिलती है ।

ध-व रेखा ग्राम कपसरा के मध्य भाग से होती हुई आरंभ बिन्दु “च” पर मिलती है ।

ब्लाक-III :

न-प-फ रेखा ग्राम बरौधी के उत्तरी भाग में बिन्दु “न” से आरंभ होती है और ग्राम बरौधी के मध्य भाग और बिन्दु “प” से होती हुई बिन्दु “फ” पर मिलती है ।

फ-ब रेखा ग्राम बरौधी होती हुई ग्राम बरौधी के उत्तरी भाग में बिन्दु “ब” पर मिलती है ।

ब-न रेखा अर्जित भूमि के दक्षिणी सीमा (ग्राम बरौधी के उत्तरी भाग) से होती हुई आरंभ बिन्दु “न” पर मिलती है ।

[फा. सं. 43015/16/2011 पी आर आई डब्ल्यू-1]

ए. के. दास, अवर सचिव

New Delhi, the 22nd March, 2012

S.O. 1153.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality described in the Schedules annexed hereto;

And whereas, the plan bearing number SECL/BSP/GM (PLG)/Land/413 dated the 26th September, 2011 containing details of the area of land described in the said Schedule may be inspected at the Office of the Collector, Surguja (Chhattisgarh) or at the Office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur -495006 (Chhattisgarh);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from lands described in the said Schedules;

Any person interested in the land described in the said Schedules may—

- (i) object to the acquisition of the whole or any part of the land, or of any rights in or over such land; or
- (ii) claim an interest in compensation if the land or any rights in or over such land; or
- (iii) seek compensation for prospecting licences ceasing to have effect, rights under mining lease being acquired, and deliver all maps, charts and other documents relating to the land, collection from the land of cores or other mineral samples and due analysis thereof and the preparation of any other relevant record or materials referred to in sub-section (7) of Section 13 of the said Act,

to the Officer-In-Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Chhattisgarh) within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULES

Sendhopara- II Block (Mahamaya UG), Bhatgaon Area District- Surguja (Chhattisgarh)

[Plan bearing number SECL/BSP/GM (PLG)/Land/ 413 dated the 26th September, 2011]

(A) Revenue Land:

| Sl. No. | Name of Village | Number of Village | Name of Tahsil | Name of District | Area in hectares | Remarks |
|---------|-----------------|-------------------|----------------|------------------|------------------|---------|
| 1. | Kapsara | 15 | Bhaiyathan | Surguja | 129.320 | Part |
| 2. | Barudhi | 16 | Bhaiyathan | Surguja | 8.280 | Part |
| 3. | Jarhi | 20 | Pratappur | Surguja | 96.230 | Part |
| 4. | Sendhoopara | 21 | Pratappur | Surguja | 86.790 | Part |
| 5. | Durti | 22 | Pratappur | Surguja | 91.230 | Part |

Total: - 411.850 hectares(approximately) or 1017.69 acres (approximately)

(B) Revenue Forest Land (CJJ/BJJ) :

| Sl. No. | Name of Village | Number of Village | Name of Tahsil | Name of District | Area in hectares | Remarks |
|---------|-----------------|-------------------|----------------|------------------|------------------|---------|
| 1. | Kapsara | 15 | Bhaiyathan | Surguja | 7.520 | Part |
| 2. | Barudhi | 16 | Bhaiyathan | Surguja | 0.600 | Part |
| 3. | Jarhi | 20 | Pratappur | Surguja | 31.910 | Part |
| 4. | Sendhoopara | 21 | Pratappur | Surguja | 5.830 | Part |
| 5. | Durti | 22 | Pratappur | Surguja | 72.950 | Part |

Total: - 118.810 hectares(approximately) or 293.57 acres (approximately)

(C) Revenue Forest Land:

| Sl. No. | Compartment Number | Sub Divison Number | Divison | Area in hectares | Remarks |
|---------|--------------------|--------------------|---------------|------------------|---------|
| 1. | 1681 P | Bhaiyathan | South Surguja | 71.290 | Part |

Total :- 71.290 hectares (approximately) or 176.16 acres (approximately)

**Grand Total (A+B+C)=601.950 hectares (approximately)
or 1487.42 acers (approximately)**

BOUNDARY DESCRIPTION:-**Block-I:**

A-B-C Line starts from point 'A' in village Kapsara and passes through western part of village Kapsara, point "B" and meets at point "C".

C-D-E-F Line passes through northern part of village Kapsara, point "D", "E" and meets at Point "F".

F-G-A Line passes through western part of village Kapsara, point "G" and meets at starting Point "A".

Block-II :

FH Line starts from point 'F' in village Kapsara and passes through northern part of village Kapsara and meets at point "H" on the common boundary of villages Kapsara-Sendhoopara.

H-I-J-K Line passes through middle part of village Sendhoopara, point "I", "J", "K" and meets at Point "L" on the common boundary of villages Sendhoopara-Durti.

L-M Line passes through southern part of village Durti and meets at Point "M" on the west bank of Masan Nullah.

M-N-O Line passes parallel to Masan nullah and through point "N" and meets at Point "O" on the common boundary of villages Durti-Jarhi.

O-P-Q Line passes through middle and southern part of village Jarhi, point "P" and meets at Point "Q".

Q-R Line passes through western part of village Jarhi and meets at Point "R" on the common boundary of villages Jarhi-Barudhi.

R-S Line passes through eastern part of village Barudhi and meets at Point "S" on the common boundary of villages Barudhi-Kapsara.

S-F Line passes through middle part of village Kapsara and meets at starting Point "F".

Block-III:

T-U-V Line starts from point 'T' on the northern part of village Barudhi and passes through middle part of village Barudhi, point "U" and meets at point "V".

V-W Line passes through village Barudhi and meets at Point "W" on the northern part of villages Barudhi.

W-T Line passes along southern boundary of acquired land (northern part of village Barudhi) and meets at starting Point 'T'.

[F. No. 43015/16/2011-PRIW-I]

A. K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 मार्च, 2012

का.आ. 1154.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों को बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे दी गई तालिका के कॉलम (2) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के ओहदे के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त तालिका के कॉलम (3) में तदनु रूप प्रविष्टि में विनिर्दिष्ट सरकारी संस्थानों के मामले में अपने-अपने अधिकारिता क्षेत्र की स्थानीय सोमाओं के भीतर उक्त अधिनियम द्वारा अथवा उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे तथा उन्हें अधिरोपित दायित्वों का पालन करेंगे :-

| क्र.सं. | अधिकारी का पदनाम | सरकारी स्थानों के वर्ग और अधिकारिता क्षेत्र की स्थानीय सीमाएं |
|---------|--|---|
| (1) | (2) | (3) |
| 1. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, नई दिल्ली (राष्ट्रीय राजधानी सीमा, दिल्ली) | राष्ट्रीय राजधानी सीमा, दिल्ली; राष्ट्रीय राजधानी क्षेत्र, दिल्ली (संघ राज्य), पंजाब, चंडीगढ़ (संघ राज्य), हिमाचल प्रदेश, उत्तराखंड तथा जम्मू और कश्मीर में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 2. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, विजयपुर, जिला गुना (मध्य प्रदेश) | मध्य प्रदेश और छत्तीसगढ़ में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 3. | मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) या प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, कोलकाता, (पश्चिम बंगाल) | बिहार, ओडिशा, पश्चिम बंगाल और झारखंड में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 4. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, पाता, जिला औरैया (उत्तर प्रदेश) | उत्तर प्रदेश के राष्ट्रीय राजधानी क्षेत्र, दिल्ली के अधिकारिता क्षेत्र में आने वाले इलाकों को छोड़कर उत्तर प्रदेश में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 5. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, जयपुर (राजस्थान) | राजस्थान और हरियाणा के राष्ट्रीय राजधानी क्षेत्र, दिल्ली के अधिकारिता क्षेत्र में आने वाले इलाकों को छोड़कर राजस्थान और हरियाणा में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 6. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, वडोदरा (गुजरात) | गुजरात में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 7. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, राजमंडी, जिला पूर्वी गोदावरी (आंध्र प्रदेश) | आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु, पुदुच्चेरी (संघ राज्य), लक्षद्वीप (संघ राज्य) तथा अंडमान और निकोबार द्वीप समूह (संघ राज्य) में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |

| (1) | (2) | (3) |
|-----|---|--|
| 8. | उप महाप्रबंधक (मानव संसाधन) या मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, मुंबई (महाराष्ट्र) | महाराष्ट्र, गोवा, दादरा और नागर हवेली (संघ राज्य) तथा दमन और दीव (संघ राज्य) में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |
| 9. | मुख्य प्रबंधक (मानव संसाधन) या वरिष्ठ प्रबंधक (मानव संसाधन) या प्रबंधक (मानव संसाधन) गेल (इंडिया) लिमिटेड, लकवा, जिला शिवसागर (असम) | असम, त्रिपुरा, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मिजोरम, मेघालय और सिक्किम में गेल (इंडिया) लिमिटेड के विभिन्न कार्य केन्द्रों में आवासीय, कार्यालय तथा टाउनशिप प्रयोजन के लिए पट्टे और कंपनी के स्वामित्व वाले स्थान तथा अन्य गैस पाइपलाइन या संसाधन संस्थापनाएं, द्रवीकृत पेट्रोलियम गैस पाइपलाइन संस्थापनाएं। |

[सं. एल-11011/2/2012-जीपी]

अरुणोदय गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, 12th March, 2012

S.O. 1154—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a Gazetted Officer of the Government, to be estate officers for the purpose of the said act, who shall exercise the power conferred, and perform the duties imposed, on the estate officers by or under the said Act, within the local limits of their respective jurisdiction, in respect of the public premises specified in the corresponding entry in column (3) of the said Table:—

| Sl. No. | Designation of the Officer | Categories of Public Premises and local limits of jurisdiction |
|---------|--|---|
| (1) | (2) | (3) |
| 1. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, New Delhi (National Capital Territory of Delhi) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in National Capital Territory of Delhi, National Capital Region of Delhi (Union Territory), Punjab, Chandigarh (Union Territory), Himachal Pradesh, Uttarakhand and Jammu & Kashmir. |
| 2. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource), or Senior Manager (Human Resource) GAIL (India) Limited, Vijaipur Distt. Guna (Madhya Pradesh) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Madhya Pradesh and Chhattisgarh. |
| 3. | Chief Manager (Human Resource) or Senior Manager (Human Resource) or Manager (Human Resource) GAIL (India) Limited, Kolkata (West Bengal) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Bihar, Odisha, West Bengal and Jharkhand. |
| 4. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, Distt. Auraiya (Uttar Pradesh) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Uttar Pradesh excluding areas of Uttar Pradesh falling in the jurisdiction of National Capital Region of Delhi. |

| (1) | (2) | (3) |
|-----|--|---|
| 5. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, Jaipur (Rajasthan) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Rajasthan and Haryana excluding areas of Rajasthan and Haryana falling in the jurisdiction of National Capital region of Delhi. |
| 6. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, Vadodara (Gujarat) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Gujarat. |
| 7. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, Distt. East Godavari (Andhra Pradesh) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Puducherry (Union Territory), Lakshadweep (Union Territory) and Andaman & Nicobar Islands (Union Territory). |
| 8. | Dy. General Manager (Human Resource) or Chief Manager (Human Resource) or Senior Manager (Human Resource), GAIL (India) Limited, Mumbai (Maharashtra) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Maharashtra, Goa, Dadra & Nagar Haveli (Union Territory) and Daman & Diu (Union Territory). |
| 9. | Chief Manager (Human Resource) or Senior Manager (Human Resource) or Manager (Human Resource) GAIL (India) Limited, Lakwa, Distt Sivasagar (Assam) | Leased and company owned premises for residential, office purposes & townships, in various work centres and other Gas Pipeline or Processing Installations, Liquefied Petroleum Gas Pipeline Installations of GAIL (India) Limited in Assam, Tripura, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Meghalaya and Sikkim. |

[F.No. L-11011/2/2012-GP]

ARUNODAY GOSWAMI, Under Secy.

नई दिल्ली, 21 मार्च, 2012

का.आ.1155 .— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में उक्त अधिनियम के अधीन राजस्थान राज्य के भीतर गेल (इंडिया) लिमिटेड की विजयपुर-कोटा और स्पर पाइपलाइन के लिये सक्षम अधिकारी के कार्यों का निर्वहन करने के लिये श्री जनक सिंह, तहसीलदार, राजस्थान सरकार को अधिकृत करती है।

[फा. सं. एल-14014/16/12-जी.पी.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 21st March, 2012

S.O. 1155.— In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Central Government hereby authorizes Shri Janak Singh, Teshildar, Government of Rajasthan to perform the functions of Competent Authority for Vijaipur-Kota and spur pipeline of GAIL (India) Limited, under the said Act, within the territory of Rajasthan State.

[F.No. L-14014/16/12-GP.]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 23 फरवरी, 2012

का.आ. 1156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-I, धनबाद नं. के पंचाट (संदर्भ संख्या 80/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-02-2012 को प्राप्त हुआ था।

[सं. एल-20012/312/94-आई आर (सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd February, 2012

S.O. 1156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 280/1995) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 23-2-2012.

[No. L-20012/312/1994-IR (C-I)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, No. I, DHANBAD**

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 80 of 1995.

Parties : Employers in relation to the management of Khas Kusunda Colliery of M/s. BCCL.

AND

Their workmen

Present : Shri H. M. Singh, Presiding Officer**APPEARANCES:**

For the Employers ; Shri B. M. Prasad, Advocate.

For the Workman : Shri S. C. Gour, Advocate,

State : Jharkhand

Industry : Coal

Dated, the 10-2-2012

AWARD

By Order No. L-20012/312/94-IR(Coal-I) dated 14-7-1995 the Central Government in the Ministry of labour

has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of management of khas Kusunde Colliery of M/s. BCCL Area No. VI in denying employment to dependent son Mantu Das of Smt. Bungia Chamarin who has submitted resignation under V.R.S. (Female) is justified? If not, to what relief the concerned workman is entitled?”

2. The case of the concerned workman, Smt. Mungia Chamarin, is that she was a permanent workman of Khas Kusunde colliery of BCCL and she was working as Shale Picker. Her date of birth is 31-1-33 and date of employment is 27-1-1972 as per service particular of the management, in the service excerpt issued by the employer the name of her husband has been recorded as Hari Das. She had 4 sons. Mantu Das being the youngest and his age as it was then recorded was 16 years. She declared Mantu Das as her nominee under the Statutory Rules for the purpose of CMPF and Gratuity etc. Management introduced Voluntary Retirement Scheme (V.R.S.) for female and in lieu of such V.R.S. offered/agreed to give employment to one of the dependents. preferably son having physical fitness and within certain age limit, Smt. Mungia Chamarin resigned in time under VRS (Female) and offered her youngest son and nominee, Montu Das, for employment in her place. Thereafter Mantu Das was medically examined and he was found fit. He was also called for an oral interview and was also found fit in the interview as well. An approval for his employment was given by the competent authority by his letter dated 8-8-91. It was subsequently found that in the matriculation certificate of Mantu Das, the name of his father was recorded as Tulsi Das. Buit in view of the fact in the service excerpt name of husband of Mungis Chamarin was recorded as Hari Das, the employer became reluctant to offer employment to Mantu Das. The employer referred the to the Supdt. of Police, Dhanbad for verification. The Sub-Inspector of Police, Kusunda P.S. after thorough investigation and enquiry found that mantu Das was in fact the son of Late Hari Das, who had expired long ago, when Mantu Das was only 2 years old, but while getting Mantu Das admitted in the school, his uncle, Tulsi Das got his name recorded as guardian of Mantu Das. It was clearly established therein that Mantu Das is lawful and legal son of Smt. Mungia Chamarin and late Hari Das husband of Smt. Mungia Chamarin. The employers misdirected themselves in treating Mantu Das as son of Tulsi Das. In the service except which was maintained by the employer, it was clearly established beyond doubt that Mantu Das was the son of Smt. Mungia Chamarin. The employer, thereafter refused to empoly Mantu Das, dependent son of Smt. Mungia Chamarin.

Under the above facts and circumstances, it has been prayed that the Hon'ble tribunal be pleased to hold that

the action of the management in denying employment to the dependent son, Mantu Das, son of Smt. Mungia Chamarin is not justified and he is entitled to be employed and get full wages.

3. The case of the management is that Smt. Mungia Chamarin, the workman of Khas Kusunda Colliery of M/s. BCCL, had applied for her voluntary retirement and filed an application to provide employment to Sri Mantu Das whom she claimed to be her son. It has been submitted that Sri Haria Chamar was the husband of the concerned lady, Smt. Mungia Chamarin. The matriculation certificate produced by Mantu Das indicated that he was the son of Sri Tulsi Das who is younger brother of Haria Chamar. After the dispute arose on the basis of the matriculation certificate, the management did not consider the case of the employment of Sri Mantu Das and in the meantime the surplus female workers voluntarily retired and there was no further requirement of reduction in the strength of female workmen. Smt. Mungia Chamarin was superannuated in due course after she completed 60 years of age and the question of raising the present dispute in the year 1994 before the ALC (C), Dhanbad did not arise. The present dispute after the superannuation of the concerned lady in 1993 is without any merit and the demand of the concerned workman, Sri Mantu Das for his employment cannot be accepted. The concerned person, Sri Mantu Das is not entitled to any relief.

It has been prayed that the Hon'ble Tribunal be pleased to pass the award holding that the concerned person is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. Main argument advanced on behalf of the concerned workman is that Smt. Mungia Chamarin, mother of Sri Manatu Das, submitted resignation under V.R.S. (female) and offered her son, Mantu Das, for employment in her place. The resignation of the mother of Mantu Das was accepted by the management. Medical examination of her son, Mantu Das, was also conducted by the Medical Board of the management and he was found fit by the Medical Board. An oral interview was done by the management and Mantu Das was also found fit.

6. The management representative argued that the concerned person is not the son of Mungia Chamarin who got VRS(F) on 31-3-93. Her husband's name was Haria Chamar. But the concerned person, Mantu Das is the son of Tulsi Das, as per matriculation certificate of the concerned person. But as per service excerpt issued by the management in the year 1987, Mantu Das's name finds place as son of Mungia Chamarin, as per Ext. W-4. It cannot be presumed that in the year 1987 management's document has been fabricated by Mungia Chamarin. Management stated that on the basis of matriculation certificate the

father's name of Manatu Das finds place as Tulsi Das. But the management cannot ignore service excerpt which was issued by the management to Smt. Mungia Chamarin, Ext. W-4, in which the name of the father of Mantu Das has been mentioned as Hari Das.

7. Management's witness, MW-1, Ghanshyam Prasead Sinha, stated in cross-examination that Mantu Das was offered appointment by the management of BCCL. It is not a fact that Mungia Chamarin has worked in BCCL upto 60 years of age. This statement shows that the concerned person, Mantu Das, was offered appointment by the management and his mother, Mungia Chamarin has not worked upto 60 years of age.

Another argument advanced on behalf of the management is that MW-1, Mantu Das, stated in cross-examination that his father's name has been mentioned as Tulsi Das in matriculation certificate and on that basis Admit Card was issued showing his father's name as Tulsi Das. But the oral evidence of the concerned person is not authentic. When there is documentary evidence and the documentary evidence cannot be ignored which has been issued by the management. The management also called for interview and offered employment of Mantu Das as per Exts. W-1 and W-2. As per Ext. W-4 in which the name of Mantu Das finds in the management's record as son of Smt. Mungia Chamarin and father's name Hari Das, that cannot be ignored. It cannot be presumed that in the year 1987 the management's record has been fabricated by the concerned person because that document was in the custody of the management.

8. Considering the above facts and circumstances, I hold that the action of management of Khas Kusunda Colliery of M/s. BCCL Area No. VI in denying employment to dependent son, Mantu Das of Smt. Mungia Chamarin who has submitted resignation under V.R.S. (Female) and which has been accepted by the management, is not justified. As such, the concerned person, Mantu Das is entitled for employment in M/s. BCCL. The management is directed to give employment to Mantu Das within 30 days from the date of publication of the award.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी (आईटी/आईडी/34/2009) के पंचाट (संदर्भ संख्या 34/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-11)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

AWARD

S.O. 1157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Godavarikhani (IT/ID/34/2009) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL, and their workman, which was received by the Central Government on 27-1-2012.

[No. L-22013/1/2012-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI, DIST. KARIMNAGAR (A.P.)**

Present : Sri M. Syamala Rao, BA, B.L.,
Chairman-cum-Presiding Officer.

Monday, the 13th day of February, 2012

INDUSTRIAL DISPUTE No. 34 OF 2009.**Between :-**

Gurrula Nagaraju,
S/o Gattaiah, Age 28 years,
Ex-Badli Filler, E.C.No.2115885,
Qr.No.ST2-1886, 8 Incline colony,
Godavarikhani, Mandal Ramagundam,
Dist Karimnagar-505 209 (AP).

Petitioner

AND

1. The Colliery Manager,
Goleti-1 Incline, SCCo.Ltd.,
PO. Bellampalli,
Dist Adilabad (AP)
2. The General Manager,
Bellampalli Area, S.C.Co.Ltd.,
P.O. Bellampalli,
Dist Adilabad (AP)
3. The Chairman & Managing Director,
S.C.Co.Ltd., P.O., Kothagudem,
District: Khammam (AP)

Respondents

This Industrial Dispute petition U/Sec. 2-A (2) of I.D., Act, coming on before me for final hearing on 6-2-2012, upon perusing all the documents on record and upon hearing the arguments of Sri K. Sudhakar Reddy, Advocate, for the petitioner and Sri D. Krishna Murthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following:-

1. This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A(2) of I.D. Act, 1947 to set aside the office order dt. 1/5-9-2007 passed by the 2nd respondent dismissing the petitioner from service w.e.f. 4-9-2007 and direct the respondents' company to reinstate him into service with continuity of service, all other consequential attendant benefits and full back wages.

2. The brief averments of the petition are that he was appointed as Badli Filler by the respondents company on 1-9-2005 under dependent employment scheme, in place of his father Gattaiah and ever since he was discharging his duties to the utmost satisfaction of the company authorities. He belongs to B.C. community and hails from a very poor family. During the year 2006, the petitioner was compelled to look after his mother and father who were given prolonged medical treatment. His father on account of heart attack was imparted medical treatment in the company Area Hospital at Godavarikhani. The petitioner also suffered from frequent fever and jaundice. As such in the year, 2006 he was put in 65 musters. The original medical certificate showing the treatment of his father from 3-7-2006 to 28-8-2007 is filed before this court as additional evidence. Being the male member in the family, whole responsibility has been shifted on the shoulder of the petitioner. The 1st respondent without considering the true facts issued charge sheet under the company's standing order No. 25.25 dt. 26-3-2007 alleging that:-

"For your habitual absence from duty without sufficient cause during the year 2006" and worked only for 65 days :

3. And that the petitioner given his oral satisfactory explanation to the respondents for the charge sheet and not submitted any written explanation. There is reasonable and sufficient cause for the alleged absence to the petitioner during the said year 2006 for genuine ill health of mother and father of the petitioner and himself. It is neither willful nor deliberate. But on 7-4-2007, the respondents conducted a domestic enquiry farcically. He participated in the domestic enquiry and deposed the genuine health problem of his mother and father, death of his mother and his ill health during the year 2006.

4. And that the respondents failed to give any family counseling and observation period to the petitioner after the domestic enquiry. The 2nd respondent without considering the genuine ill health of the petitioner and his father, dismissed him from service illegally w.e.f., 4-9-2007 by office order No. PBA/ PER/129/2231, dt. 1/5-9-2007.

5. And that the domestic enquiry was not conducted fairly and properly. Further findings of the enquiry officer are highly perverse and bias. Fair opportunity was not given to the petitioner to defend himself. The enquiry officer did not properly appreciate the documentary and oral

evidence adduced by the petitioner. The entire proceedings were recorded in English language and not known to the petitioner who is an illiterate. His signatures were obtained under the threat of insubordination. Hence, the court may be pleased to hold the domestic enquiry as invalid and vitiated.

6. And that the respondent No.1 issued show cause notice dt. 10/13-7-2007 on the enquiry report. For which he submitted his representation. Office copy of representation is not available with the petitioner and hence not filed before this court. The said notice along with enquiry report and enquiry statement is herewith filed in the list of documents for kind perusal of the court. The respondent No. 2 passed the dismissal order straight away and prior show cause notice proposing the said capital punishment of dismissal from service was not issued to the petitioner by the respondent company which is against the mandatory/statutory provisions of law and contrary to the principles of natural justice. Further the said extremely harsh punishment of dismissal from service is highly excessive and shockingly disproportionate the gravity of alleged charge levelled against the petitioner, it amounts to economic death of the petitioner. It is not at all warranted and is liable to be quashed by this court.

7. And that ever since his unjust dismissal from service w.e.f., 4-9-2007, he could not secure any other alternative job. He remained unemployed and incurred huge debts for medical and domestic expenses of his family. He is facing lot of hardship and misery to eak out livelihood for all his family members. He was compelled to take debts and loans to meet the domestic expenses which are essential for his family existence and livelihood. The petitioner submitted his medical certificates to the respondents' company and there is no secondary evidence and proof of submission with the petitioner. Therefore prays as above.

8. The respondent No. 2 filed his counter denying all the allegations made in the petition and putting the petitioner to strict proof of those allegations which is adopted by respondents 1 & 3 by filing a memo.

9. The brief averments of counter of R-2 are that it is a Government company incorporated under the provisions of Company's Act, 1956 for carrying out the business of winning and selling the coal. Since the coal mining industry is a central subject, the appropriate Government for this respondent! management is Central Government. As per Sec.7(a)(1) of I.D. Act, the appropriate Government may by notification in the official gazette constitute one or more Industrial Tribunals for the adjudication of Industrial Disputes relating to any matter whether specified in the 2nd or 3rd Schedules and for performing such other functions as may be assigned to them under this Act. The Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad from 29-12-2000 for adjudication of Industrial Disputes and the petitioner ought to have

approached the said Tribunal for the redressal of grievance, if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on this ground alone.

10. And that the maintainability of the dispute raised by the petitioner before this court may be decided as preliminary issue before proceeding with the trial.

11. And that the petitioner was appointed into the service of the respondents company as Coal Filler on 1-9-2005 and the petitioner was a habitual absentee. The following attendance particulars of the petitioner indicate the fact that the petitioner was not regular to his duties from the date of appointment and in no year he had put in minimum required 190 musters during the period from 2005 to 2007.

| Sl. No. | Year | No. of musters |
|---------|------|----------------|
| 1 | 2005 | 18 |
| 2 | 2006 | 65 |
| 3 | 2007 | 01 |

12. During the period from January 2006 to December 2006, the petitioner has put in only 65 musters. As the above act amounted to misconduct under company's standing orders clause No. 25.25 he was charge sheeted vide charge sheet dt. 26-3-2007. The relevant clause of standing orders reads as under:

"25.25 - Habitual late attendance or habitual absence from duty without sufficient cause"

13. The petitioner received the charge sheet and failed to submit his explanation. As such the petitioner was issued enquiry notice dt. 26-3-2007 advising the petitioner to attend the enquiry on 7-4-2007 along with witnesses if any to defend his case. The petitioner attended the enquiry proceedings on 7-4-2007 and submitted his explanation vide letter dt. 7-4-2007. The petitioner pleaded guilty of the charges levelled against him. He did not file any documentary evidence or examine any witnesses in support of his contention.

14. And that it not mandatory under any statute or law to subject an employee for family counseling or observation period. He put in only (1) muster during the year 2007 even after issuance of charge sheet. From this it is evident that the petitioner was a habitual absentee, therefore the petitioner was directly dismissed w.e.f., 4-9-2007. Further the explanation submitted by the petitioner was not found satisfactory.

15. And that the domestic enquiry was conducted in a fair way and the charge sheeted employee was given every opportunity to defend his case. The petitioner was

explained the contents of charge sheet and the enquiry procedure in Telugu language by the enquiry officer and the petitioner after having satisfied himself signed the enquiry proceedings. The petitioner though offered the opportunity of have assistance of anyone of his fellow workman did not avail the same. The petitioner did not cross examine the respondent/management witnesses when opportunity was given by the enquiry officer. Thus it can be said that the enquiry was conducted giving fair opportunity to the petitioner and the enquiry officer and the enquiry officer submitted his report holding the petitioner guilty of misconduct basing on the evidence on record.

16. And that according to Article 311(1) of Constitution of India, no person who is a member of a Civil Service of the Union or an All India Service or Civil Service of a State or holds a civil post under the Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed. This makes it clear that the provision is applicable to only to the person holding civil post. And Article 311 (2), no such person as aforesaid shall be dismissed or removed or reduced in rank except after an enquiry in which he has been informed the charges against him and given a reasonable opportunity of being heard in respect of those charges. And the penalty may be imposed on the basis of the evidence adduced during the enquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty imposed. As such issue of show cause notice proposing the punishment is not a requirement of the principles of natural justice and moreover the respondents' company standing orders do not speak about issue of show cause notice proposing the punishment to be imposed on the delinquent employee.

17. And that the respondents company employs more than 70,000 persons, which includes workmen, Executives and Supervisors. The production results will depend upon the overall attendance and performance, of each and every individual. They are interlinked and inseparable. In this regard, if anyone remains absent, without prior sanction of leave or without any justified cause, the work to be performed get effected. Such unauthorised absence creates sudden void, which at times is very difficult to fill up, and there will be proper planning and already planned schedule get suddenly disturbed without prior notice. That is the reason why the respondents company is compelled to take severe action against the unauthorised absentees. In the instant case, the petitioner is one such unauthorised absentee having only 65 musters in the year 2006 and failed to improve his attendance and work performance even after issuing the charge sheet. With the advent and implementation of new industrial and economic policies by Central Government as well as company, the respondents company cannot go on employing the persons who are chronic absentees, who were burden to the respondents

company as such the respondent company was constrained to dismiss the petitioner for his unauthorised absenteeism vide order dt. 1/5-9-2007. It is the petitioner's misconduct which has compelled the respondents' management to impose penalty of dismissal which cannot be termed as unjust and the respondents/management cannot be held responsible for the alleged huge debts and unemployment. Therefore prays to dismiss the petition with costs, otherwise the respondents' company suffers irreparable loss.

18. The counsel for the petitioner filed a memo U/Sec. 11-A of the I.D., Act, on 5-12-2011 after giving notice to the respondents counsel who endorsed "copy received", stating that the petitioner is not challenging the validity of domestic enquiry conducted by the respondent in the above case and the court may be pleased to decide the quantum of relief on the basis of the material available on record. The memo is recorded. In view of the memo, no preliminary issues are framed and settled.

19. During the enquiry, no witnesses are examined on either side, but Ex. W-1 & Ex. W-2 are marked on behalf of the petitioner and Ex. M-1 to Ex. M-8 are marked on behalf of the respondents, by consent.

20. Heard both sides. Perused the material papers on record.

Now the points that arise for consideration are:-

1. Whether the present petition is maintainable before this Tribunal?
2. Whether the charge framed against the petitioner is proved?
3. Whether the dismissal order dt. 1/5-09-2007, without issuing any show cause notice is arbitrary, illegal, unjust, against the statutory provisions and contrary to the principles of natural justice; if not, whether the punishment awarded is highly excessive and shockingly disproportionate to the alleged charge?
4. To what relief the petitioner is entitled?

21. POINT No.1:-

It is the case of the respondents that the respondents company incorporated under the provisions of Company's Act, 1956 for carrying out the business and selling the coal and since the coal mining industry is a Central subject, the appropriate Government for this respondents/management is Central Government and that as per Sec. 7 A (1) of I.D., Act, the appropriate Government by may its notification the official gazette constitute one or more industrial tribunals for adjudication of industrial disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. The respondents further submitted

in their counter the Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad on 29-12-2000 for adjudication of industrial disputes and the petitioner ought to have approached the said tribunal for redressal of grievances if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on the ground and this issue may be decided as preliminary issue before proceeding with the trial.

"Appropriate Government is described U/Sec.2-A of the I.D., Act, 1947". According to Sec.2-A(1) of the above Act, the Appropriate Government, by notification in the official gazette constitutes one or more Industrial Tribunals for adjudication of industrial disputes relating to any matter whether specified in 2nd or 3rd schedule. So, according to the above 2 provisions of law, this Tribunal is established. Admittedly the petition filed by the petitioner is covered by an industrial dispute.

22. In a case reported in 1998(5) ALD-16 (D. B) in a writ petition between U. Chinnappa Vrs., Cotton Corporation of India and others; the Division Bench of our High Court held - "we will assume that in so far as the dismissed or retrenched workman is able to approach the Labour Court straight-away, the power of the Central Government to make a reference of the dispute may be whittled down protanto and in that sense there is a conflict or repugnancy with sub-section (2) of Section 2(A) and Section 10(1) r/w sub-section (1) of Section 2-A and Section 3 of the Act. Even then, the Presidential assent given under Article 254(2) makes the State law prevail over the provisions of the Central law to the extent of repugnancy". It also further observed Industrial Disputes Act, 1947, Section 2-A(2) - Not confined to workmen employed industrial undertakings of State Government. It applies also to workmen engaged in Central Government undertakings.

23. If the plea of the respondent is considered in the light of the above case law, it falls to the ground, because, Section 2-A(2) of I.D Act, 1947 applies both to the workmen employed in industrial undertakings of State Government and also to the workmen engaged in Central Government undertakings.

24. In other words, it can be said it is for the workman to approach U/Sec.2-A(2) of I.D., Act, either to the Industrial Tribunals having Central jurisdiction and also the Tribunals having State jurisdiction.

25. In view of the above, I hold that this Tribunal is having jurisdiction to decide the industrial dispute on hand and the petition filed by the petitioner is maintainable. The point is answered accordingly.

26. POINT No. 2

Ex. W-1 is the served copy of the letter issued by the 2nd respondent requiring the petitioner to make his

representation against the findings contained in the enquiry report. Though it is styled as "show cause notice", it is not a show cause notice and the punishment of dismissal from service is not proposed in this letter. Ex. W-2 is the medical certificate of the father of the petitioner from 3-7-2006 to 28-8-2007 i.e., for a total period of one year, one month and 25 days.

27. Turning to the documents marked on behalf of the respondents, Ex.M-1 is office copy of the charge sheet stating that the petitioner had put in 65 days actual musters during the year 2006 i.e., from January, 2006 to December, 2006. Ex.M-2 is the explanation submitted by the petitioner to the charge sheet. Under this document, the petitioner categorically stated that due to the ill health of his father, due to expiry of his mother and due to his own ill health, he could not attend to his duties regularly/properly during the year, 2006. Ex.M-3 is enquiry notice. Ex.M-4 are the enquiry proceedings. During the enquiry, the statements of Sri A Srinivas, Office Superintendent and of Mr. Prabhakar Rao, pay sheet clerk were recorded. Opportunity was given to the petitioner to cross examine them. The statement of the petitioner was also recorded. In this statement also, the petitioner stated the same grounds as explained in his explanation to the charge sheet, (marked under Ex.M-2) for his absenteeism during the charge period and also pleaded guilty.

28. Ex.M-5 is enquiry officer's report. In this report, there is no discussion on the defense put forth by the petitioner and the ill health of his father, death of his mother and his own ill health were not considered and not rejected by the enquiry officer. Whether the defense of the petitioner amounts to sufficient cause or not, was not at all concluded and there is no discussion in enquiry report, on this point.

29. Ex.M-6 is the letter of respondent requiring the petitioner to make his representation against the findings contained in the enquiry report, the served copy of which is marked under Ex.W-1, as discussed supra. It is not a show cause notice and the punishment of dismissal was not at all proposed by the 2nd respondent under this document.

30. Under Ex. M-7, the petitioner submitted his representation on the enquiry findings report. The grounds stated by the petitioner for not attending to his duty and putting 65 musters only during the charge period of 2006, are almost one and the same as that of his explanation to the charge sheet under Ex. M-2 and his statement before the enquiry officer marked under Ex. M-4. But the 2nd respondent also, like enquiry officer, failed to apply its mind and not at all given any consideration to the grounds explained by the petitioner. The dismissal order passed by the 2nd respondent is marked as Ex. M-8.

31. From the foregoing discussions and the record placed before this court, whether the cause of ill health

shown by the petitioner under Ex.M-2 his explanation to the charge sheet, under Ex.M-5 his deposition before the enquiry officer and under Ex.M-7 representation on the enquiry findings which were not considered by both the E.O., and the disciplinary authority, whether they are sufficient causes or not for the absenteeism during the charge period, even according to the standing order No. 25.25 of the respondents. Whatever it may be, on account of the admission of the petitioner that he put in only 65 actual musters during the year 2006, it can be rightly said that the charge framed against the petitioner is proved. The point is answered accordingly.

32. POINT No. 3

As seen from Ex.M-8 the dismissal order now in question, after calling the representation of the petitioner on the enquiry findings report under Ex.M-6, the 2nd respondent has not issued any show cause notice proposing the punishment of dismissal from service and straight away passed the said dismissal order under Ex.M-8. Apart from the above, it is clear from the explanation of the petitioner marked under Ex.M-2, statement of the petitioner during the departmental enquiry marked under Ex.M-4 and also his representation on the enquiry findings marked under Ex.M-7, the petitioner pleaded that on account of the ill health of his father, expiry of his mother and also his own ill health, he had put in only 65 actual musters and could not attend to his duties regularly during the charge sheet period of 2006. This plea of the petitioner was not considered either by the enquiry officer or by the disciplinary authority. Of course the petitioner has filed the medical certificate before this court and not before the enquiry officer or before the 2nd respondent. The medical certificates marked under Ex.W-2 shows that the father of the petitioner was suffering from ailment and was imparted treatment from 3-7-2006 to 28-8-2007 i.e., during the charge period and also subsequently. Even according to the standing order No. 25.25 of the respondents company, habitual late attendance or habitual absence from duty without sufficient cause, amounts to misconduct. But the explanations of the petitioner at all the stages clearly show that there was reasonable and sufficient cause for his absenteeism and for his putting in 65 actual musters during the year 2006.

33. Apart from the above, it is the case of the petitioner that he was appointed as Badli filler by the respondents company under the dependent, employment scheme in place of his father Gattaiah who was made unfit for duty. This plea is not at all denied by the respondent. So, it is natural on the part of the petitioner to attend on his father who was made unfit for service by the respondents company. This aspect coupled with Ex.W-2 medical certificate lends support to the case of the petitioner that his father was suffering from ailment, which establishes that there is reasonable and sufficient cause for the petitioner for putting in only 65 musters during the charge period of

2006. But this aspect was not considered by the enquiry officer or by the respondent while passing the orders of dismissal.

34. Under the above circumstances, I am under the considered opinion that issuing dismissal order under Ex.M-8 straight away by the respondent without issuing prior show cause notice proposing the said punishment of dismissal from service is arbitrary and contrary to the principles of natural justice. I further hold that the extreme punishment of dismissal from service imposed by the respondent is highly excessive and shockingly disproportionate to the proved charge. The point is answered accordingly.

35. POINT No. 4

While arguing the case, the learned counsel for the respondents contended that the termination of the petitioner was made after giving notice and it is not liable to be challenged. In support of his contention, the learned counsel relied on the decision reported in 2002(1) ALD-314 D.B., of A.P., High Court in W.P.No. 30036/1995 between Thimmaiah Vrs., Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad and another. In this case their Lordships have observed that the termination from service on the ground of continued absence from duty under the standing orders does not amount to retrenchment. When such order of termination was made after giving notice to the employee, it is not liable to be challenged. But it is pertinent to note that in this reported case, the Labour Court directed for reinstatement of the petitioner therein into service, U/Sec.11-A of I.D. Act, and their Lordships have up held their reinstatement directed by the Labour Court.

36. On the other hand, the learned counsel for the petitioner submitted that this Tribunal can temper justice and give an opportunity to the petitioner to reform himself by ordering reinstatement. In support of this proposition, the learned counsel relied on the decision of the Hon'ble Apex Court reported in AIR 1988 S.C., 303 in SLP(Civil) No. 7437/1998, dt.30-9-1998 between Scooter India Ltd. Vrs. Labour Court, Lucknow and others. It was held by the Hon'ble Apex Court wide powers are vested in the Labour Court/Industrial Tribunal and it can temper justice with mercy and give an opportunity to erring workman to reform himself. By observing so, their Lordships have up held the order of Labour Court which was confirmed by the High Court.

37. In the light of the above cited case laws and in view of my findings on points 1 to 3, I am of the considered opinion that this is a fit case to exercise the discretionary powers Under Sec.11-A of I.D. Act; and I hold that denial of entire back wages, continuity of service and all other consequential attendant benefits would be sufficient punishment for the petitioner, while ordering for his

reinstatement as Badli Filler "afresh", which would meet the ends of justice. The point is answered accordingly.

In the result, the petition is partly allowed. The office order dt. 1/5-9-2007 passed by the 2nd respondent marked under Ex. M-8 dismissing the petitioner from service is set aside. The respondents' company is directed to reinstate the petitioner into service as Badli Filler "Afresh", within one month from the date of gazette publication of this award. The petitioner is not entitled for any back wages, continuity of service and other consequential attendant benefits. In the circumstances, each party do bear their own costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 13th day of February, 2012.

M. SYAMALARA O, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman :-

-Nil-

For Management:-

-Nil-

EXHIBITS

For workman :-

Ex.W-1 Dt. 10/13-07-2007 Show cause Notice

Ex.W-2 Dt. 28-08-2007 Form-A Medical certificate

For Management:-

Ex.M-1 Dt. 26-03-2007 Charge sheet, o/copy

Ex.M-2 Dt. 07-04-2007 Explanation to the charge sheet

Ex.M-3 Dt. 26-03-2007 Enquiry notice

Ex.M-4 Dt. 03-07-2007 Enquiry proceedings

Ex.M-5 Dt. — Enquiry report

Ex.M-6 Dt. 10/13-07-2007 : Show cause notice

Ex.M-7 Dt. 16-07-2007 Reply to show cause Notice

Ex.M-8 Dt. 01/05-09-2007 Dismissal order, o/copy

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमानडिंग ऑफिसर, हरियाणा बटालियन एन.सी.सी. रोहतक अदर्स के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 42/08) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2012 को प्राप्त हुआ था।

[सं. एल-14012/13/2008-आई आर (डीयू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 42/08) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the Commanding officer Haryana Bn. N.C.C. Rohtak and others and their workman, which was received by the Central Government on 27-2-2012.

[No. L-14012/13/2008-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
KARKARDOOMA, DELHI-110032

ID No. 42/08

In the matter between:-

Dated : 8-2-2012

Shri Pardeep Kumar son of Shri Krishan Singh,
R/o VPO Madina, Rohtak.

Workman

Versus

The Commanding Officer, No. 1 Haryana
Bn. N.C.C., Rohtak.

The Group Administrative officer,
NCC Group Head Quarter, Rohtak

Management

AWARD

The Central government, Ministry of Labour vide Order No. L-14012/13/2008-IR(DU) dated 24-7-2008 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of the Commanding Officer, NCC, Rohtak in terminating the services of their workman Shri Pardeep Kumar, w.e.f. 26-7-2007 is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman in his statement of claim has submitted that he was employed as chowkidar on daily wage basis with effect from 7-7-2006 and he was employed against a vacant permanent post. He was appointed with the permission and authority of Higher Education Commissioner, Haryana, Chandigarh vide its letter No. 17/41-2K NCC (i) dated 15-5-2006 as mentioned in the appointment letter issued to the workman by respondent no. 2. It is further submitted that the workman was selected from several candidates in response to an advertisement published in the newspaper by the management. The workman appeared for interview on 7-7-2006 in the office of the management. He duly completed, qualified and met

all the requisite qualifications as published in the newspaper by the management. After joining his duties as chowkidar on 7-7-2006 he discharged his duties to the fullest satisfaction of the management. However, on 26-7-2007 when he reported for duty as usual in the office of respondent no. 2 he was not allowed to discharge his duties upto complete working hours of 26-7-2007 and he was asked to go to his home. That on 26-7-2007 no letter of removal/termination/retrenchment was given to him and he was only orally asked not to perform his duties on 26-7-2007 and thereafter.

3. The workman has further submitted that the management did not take prior permission from the Higher Education Commissioner, Haryana NCC before retrenching his services. That on 26-7-2007 at the time of his removal from service he was not paid any retrenchment compensation. He was also not paid any notice pay in lieu of the notice period. The management thus did not adhere to the provisions of Section 25 of the Industrial Disputes Act, 1947, although the workman had completed more than 240 days of continuous service without any break. The management thus acted contrary to the provisions of ID Act. 1947.

4. It is also the case of the workman that after his illegal retrenchment on 26-7-2007 the management sent a termination letter bearing the date 26-7-2007 through registered post at his village home address. Even in the termination letter no reference to retrenchment compensation and notice pay in lieu of the notice period was mentioned. That a forged letter dated 18-9-2007 bearing forged signatures of Shri V.S. Shivrain Lt. Col. Offg. Co, was sent to him at his home address and the envelope was bearing the postal receipt dated 20-9-2007 of Delhi Cantt. And by this letter the workman was asked to join the duty on 22-9-2007. However, the workman was not entertained on the basis of this letter and it was remarked that the said letter was a forged one. Thus he was befooled with a forged letter. That Shri V.S. Shivrain wanted to employ someone else in his place and so he got his services terminated at the hands of respondent no.2. According to the workman he is not in any gainful employment ever since his illegal retrenchment. The workman has asserted that his termination is totally illegal and arbitrary and against the provisions of ID Act 1947. He, therefore, has prayed for his reinstatement in service with full back wages and continuity in service.

5. The management has contested the claim of the workman. Firstly, in its reply signed by Mr. Sudhir Chawala Col.(TS) Commanding Officer dated 6-8-2008 the management has submitted that workman Pardeep Kumar joined his duty as chowkidar on 7-7-2006 and his duties were temporary in nature and on daily wages. It is also mentioned in its reply that the services of Pardeep Kumar were terminated on 27-7-2007 vide termination letter

Appendix C which is dated 26-7-2007. It is submitted in this reply that the services of Pardeep Kumar were not required by the office and his employment was purely on temporary basis and on daily wages and since his services were not required the same were terminated by the then Commanding Officer Haryana.

6. Subsequent to above reply the management filed an amended written statement also in which it is submitted that the workman was employed as temporary chowkidar on daily wages. That the said post was temporary in nature which was clearly mentioned in the newspaper/advertisement and also in the appointment letter of the workman. That the said employment could be terminated at any time. It is submitted that the workman has already received his salary and no dues of the workman are pending. It is asserted that the workman is not entitled to retrenchment compensation or other benefits. It is also denied that the workman has completed more than 240 days of continuous service. It is denied that the letter dated 18-9-2007 bearing forged signatures of Shri V.S. Shivrain was sent to the workman at his home address. It is denied that the workman reported for duty on 26-7-2007. It is also denied that the termination of the services of the workman is illegal or arbitrary or against the principles of Industrial Disputes Act, 1947. It is submitted that a no dispute award may be passed in favour of the management and against the workman.

7. By filing a rejoinder the workman has disputed the assertions made by the management in its reply and written statement and has reiterated his claim as has been set up in the statement of claim. It is pointed out that Satbir Singh Chowkidar was posted at Rohtak in the office of respondent no.2 and he was a permanent employee and on his transfer from Rohtak, this permanent post fell vacant and in order to fill this vacant permanent post the workman was appointed after following due procedure of law and rule of selection of best candidate out of several other candidates who applied for the same. The workman has reiterated that he continuously worked and received the wages for the entire period of his service from 7-7-2006 to 26-7-2007 i.e. one year and twenty days. He was not given any gap as far as his salary/pay is concerned as he continuously remained on duty including Sundays and holidays and he was not even given any weekly rest. The workman has asserted that he continuously worked for 385 days i.e. 365 days plus 20 days before his services were terminated.

8. In order to prove his case the workman has filed his affidavit which is Ex. WW.1/A. By this affidavit he has fully explained his case and has asserted everything whatsoever his case in the statement of claim and replication is. The appointment letter given to the workman which is Ex. W4 shows that he was appointed as temporary chowkidar on daily wage basis with effect from 7-7-2006.

It is nowhere mentioned in this appointment letter that his services could be terminated by the management at any time as has now been put forth by them in their written statement. The workman has been subjected to a detailed cross-examination. However his statement could not at all be demolished even during his cross-examination. He has categorically denied the suggestion of the management that he has not worked for 240 days in a year prior to 26-7-2007. He has denied that the termination of his services were not illegal and unjustified.

9. In rebuttal to above evidence the management has examined Col. Sudhir Chawla and he has filed his evidence by way of affidavit which is Ex. MW.1/A. He has put forth the case as they have pleaded in the written statement. He was subjected to a detailed cross-examination by the AR for the workman. In his cross-examination he has admitted that the workman was appointed as per the appointment letter MW.1. It was put to him in cross-examination that prior to the present workman the post of Chowkidar was held by one Satbir Singh and he was transferred from Rohtak to some other unit of NCC in Haryana and this permanent post thus fell vacant after his transfer and to this question Col. Sudhir Chawla MW 1 has stated that there is no relevance of the case of Satbir Singh and workman Pardeep Kumar was appointed purely on temporary basis. He then admitted that the termination letter dated 26-7-2007 was delivered to the workman prior to his posting by his predecessor. He was given the suggestion that workman Pardeep Kumar was terminated illegally to which he has denied. He however has admitted that he is not aware if any notice was given to workman Pardeep Kumar before terminating his services or one month pay in lieu of notice was given to him. He further says that he is not aware if retrenchment compensation was paid to the workman at the time of termination. He has also admitted that the post of Chowkidar has not been abolished.

10. It is no longer in dispute that even casual or seasonal workmen, who have rendered continuous service for one year or more, cannot be retrenched, without complying with the provisions of Section 25F of the Act. Provisions of Section 25F are applicable even in the case of daily rated workmen. Reference in this connection can be made with advantage to the cases reported as : (i) Rattan Singh v. Union of India, 1997, 11 SCC 396; (ii) Municipal Corporation of Delhi v. Praveen Kumar Jain, (1998), 9 SCC 468; 1999 Lab IC 619; and (iii) Samistha Dubey v. Etawah, 1999 Lab LR 460; 1999 Lab IC 1125 (SC) and (iv) 2000 LAB I.C.613 and (v) 2010 LAB I.C. 1089.

11. From the evidence on record it is abundantly clear that workman Pardeep Kumar was in continuous service right from 7-7-2006 to 26-7-2007. He thus had completed 385 days of continuous service before his services were terminated by the management. The case of

the management that the workman had not completed 240 days of continuous service before his services were terminated thus cannot be accepted.

12. It is also not in dispute in this case that no notice was served to the workman before his services were terminated. No retrenchment compensation was also paid to him at the time of his termination. Thus the services of the workman have been clearly terminated without complying with the provisions of Section 25F of the Industrial Disputes Act, 1947. One-month's notice in writing, indicating the reasons for retrenchment, or wages in lieu of such notice, has admittedly not been given to the workman before his services were terminated. The workman has not been paid retrenchment compensation as required by Section 25F of the Industrial Disputes Act, 1947. The conditions enumerated in Section 25F are conditions precedent for retrenchment and these are couched in a mandatory form, and the non-compliance there of has the result of rendering the order of retrenchment void ab initio, or non-est.

13. In view of the above discussion it is abundantly clear that the action of the management in terminating the services of workman Pardeep Kumar with effect from 26-7-2007 cannot be held as legal and justified. On the other hand the same is clearly illegal and unjustified and I hold it is so accordingly. The workman thus is held entitled to reinstatement in service with full back wages and continuity of service and other benefits if any. The award is passed accordingly and the reference sent by the Govt. of India stands disposed of.

Dated : 8-2-2012

SATNAM SINGH, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखानी (आईटी/आईडी/34/2009) के पंचाट (संदर्भ संख्या 31/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Godavarikhani (IT/ID/31/2008) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of

M/s. SCCL, and their workmen, which was received by the Central Government on 27-2-2012.

[No. L-22013/1/2012-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI, DIST. KARIMNAGAR (A.P.)**

Present: - Sri M. Syamala Rao, BA, B.L.,
Chairman-cum-Presiding Officer.

Monday, the 13th day of February, 2012

INDUSTRIAL DISPUTE NO. 31 of 2008.

Between :-

Pathemojula Ravi,
Ex. Coal Filler, E.C. No. 2871740,
S/o. Venkataiah, Aged about 38 years,
H.No. 7-2-533/595, Ganganagar,
Godavarikhani town, Manda Ramagundam,
Dist. Karimnagar-505 209 (AP).

...Petitioner.

And

1. The Colliery Manager,
IK-1A Incline, SCCo. Ltd.,
PO. Sree Rampur Division,
Dist. Adilabad (A.P.)
2. The General Manager,
Sree Rampur Area, S.C. Co. Ltd.,
P.O., Sree Rampur Division,
Dist. Adilabad (A.P.)
3. The Chairman & Managing Director,
S.C. Co. Ltd., P.O., Kothagudem,
District: Khammam.

... Respondents.

This Industrial Dispute petition U/Sec. 2-A (2) of I.D. Act, coming on before me for final hearing on 23-01-2012, upon perusing all the documents on record and upon hearing the arguments of Sri K. Sudhakar Reddy, Advocate, for the petitioner and Sri D. Krishna Murthy, Advocate, for the respondents, having stood over for consideration till this date, the court passed the following:-

AWARD

This is an Industrial Dispute petition filed by the petitioner U/Sec. 2-A(2) of I. D. Act, 1947 to set aside the office order dt. 17-9-2007 passed by the respondent No. 2 dismissing the petitioner from service w. e. f. 27-9-2007 and direct the respondents company to reinstate him into service with continuity of service, all other consequential attendant benefits and full back wages.

2. The brief averments of the petition are that he was appointed as Badli Filler by the respondents company on 28-2-1991 under dependent employment scheme, in place of his father Venkataiah and ever since he was discharging his duties to the utmost satisfaction of the company authorities. He belongs to B.C., community and hails from a very poor family. He successfully completed the probation period and, confirmed as a Goal Filler during the year 1995. He had put in more than the required physical musters every year from 1991 to 2000 and 120 physical musters in the year 2005. During the year 2004, the petitioner was compelled to look after his wife Swarupa who was given prolonged treatment for Gynic problems and lastly she underwent Hysterectomy operation by removing her uterus. During the year 2006 the petitioner put in 74 musters only due to his father's ill health and his ill health also was not good and took treatment now and then. The father of the petitioner was chronic paralysis patient and was imparted prolonged medical treatment in the company at Godavarikhani and also Anil Surgical Centre, Laxminagar, Godavarikhani. As such in the year 2006 he could not attend to his duties regularly as he was forced to stay in the hospitals for long spells frequently to look after his ailing father Venkataiah. Unfortunately in the month of January, 2007, the father of the petitioner expired. After conducting the necessary funeral ceremony and customs, he concentrated and improved his duties in the company in the year 2007. The petitioner clearly deposed the above ill health problems of his father and himself during the year 2006 for which he could not put in more than 74 musters before the enquiry officer. He clearly stated before the enquiry officer that the medical certificates were not produced, since he do not possess them at that time and the relevant documents pertaining to medical treatment of his father i.e., O.P., slips of Singareni hospitals, No. 3 and private hospitals i.e., Anil Surgical centre, No. 1 filed with list of documents for perusal of the court. Being the only son in the family, whole responsibility has - been shifted on the shoulder of the petitioner. The 1st respondent without considering the true facts and ill health condition of the petitioner in the year 2007, issued charge sheet under company's standing order No. 25.25 dt. 30-4-2007 alleging that:-

"For your habitual absent to duty without sufficient cause during the year 2006".

And the original charge sheet filed in the list of documents and that his written explanation and oral and satisfactory explanation given to the respondents for the charge sheet. There is reasonable and sufficient cause for the alleged absence to the petitioner during the said year 2006 for genuine ill health of father and wife of the petitioner and himself. It is neither willful nor deliberate. But on 11-5-2007, the respondents conducted a domestic enquiry farcically. He participated in the domestic enquiry and deposed his genuine health problem and of his father.

4. And that the respondents failed to give any family counseling and observation period to the petitioner after the domestic enquiry conducted on 11-5-2007 which is against the circulars and MOS of the company. The 2nd respondent without considering the genuine ill health of the petitioner, his father and his wife, dismissed him from service illegally w.e.f., 27-9-2007 by office order No. SRP/PER/13.008/4558, dt. 17-9-2007 which is highly arbitrary, unjust and illegal.

5. And that the domestic enquiry was not conducted fairly and properly. Further the findings of the enquiry officer are highly perverse and bias. The officer did not show the actual muster did by the petitioner. Fair opportunity was not given to the petitioner to defend himself. The enquiry officer did not properly appreciate the documentary and oral evidence adduced by the petitioner. The entire proceedings were recorded in English language and not known to the petitioner who is an illiterate. His signatures were obtained under the threat of insubordination. Hence, the court may be pleased to hold the domestic enquiry as invalid and vitiated.

6. And that the respondent No. 1 issued show cause notice dt. 28-5-2007 on the enquiry report. For which he submitted his representation dt. 6-6-2007. The said notice is herewith filed in the list of documents for perusal of the court. Even after submission of his explanation to the aforesaid charge sheet and show cause notice the respondent No. 1 without considering the facts, dismissal order was issued to the petitioner straight away proposing the said capital punishment of dismissal from service it is against the mandatory/statutory provisions of law and contrary to the principles of natural justice. Further the said extremely harsh punishment of dismissal from service is highly excessive and shockingly disproportionate the gravity of alleged charge levelled against the petitioner, it amounts to economic death of the petitioner. It is not at all warranted and is liable to be quashed by this court. The respondents not at all considered his service of about 15 years and his genuine ill health before imposing the capital punishment of dismissal from service. That ever since his unjust dismissal from service w.e.f., 27-9-2007 he could not secure any other alternative job. He remained unemployed and incurred huge debts for medical and domestic expenses of his family. He is facing lot of hardship and misery to eek out livelihood for all his family members. He was compelled to take debts and loans to meet the domestic expenses which are essential for his family existence and livelihood and he belongs to S.C., community and got no source of livelihood. Therefore prays as above.

7. The respondent No. 2 filed his counter denying all the allegations made in the petition which is adopted by respondents 1 & 3 by filing a memo.

8. The brief averments of counter of R-2 are that it is a Government company incorporated under the provisions

of Company's., 1956 for carrying out the business of winning and selling the coal. Since the coal mining industry is a central subject, the appropriate Government for this respondent's management is Central Government. As per Sec.7(a)(1) of I.D., Act, the appropriate Government may by notification in the official gazette constitute one or more Industrial Tribunals for the adjudication of Industrial Disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. The Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad from 29-12-2000 for adjudication of Industrial Disputes and the petitioner ought to have approached the said Tribunal for the redressal of grievance, if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on this ground alone.

9. And that the maintainability of the dispute raised by the petitioner before this court may be decided as preliminary issue before proceeding with the trial.

10. And that the petitioner failed to exhaust the conciliation procedure as laid down in the I.D., Act and filed the present petition before this Tribunal U/Sec.2-A(2) of I.D., Act, 1947 as amendment A.P., Amendment Act, 1987 (Act No. 32 of 1987). It is submitted that as the appropriate Government for coal mining industry is the Central Government, the State amendment Act is not applicable to the respondents company and the petition filed by the petitioner is not maintainable and is liable to be dismissed in limine.

11. And that the petitioner was appointed into the service of the respondents company on 28-2-1991 as Badli Filler and that he being an underground employee was expected to put in minimum of 190 musters in a calendar year, but the following attendance particulars indicate the fact that the petitioner was not regular to his duties and in no year he has put in 190 musters during the period from 2003 to 2007.

| Year | Musters |
|-----------------------|---------|
| 2003 | 051 |
| 2004 | 004 |
| 2005 | 126 |
| 2006 | 074 |
| 2007 (upto September) | 091 |

12. During the year 2006 the petitioner has put in only 74 days musters. As the above act amounted to misconduct under company's standing orders clause No. 25.25 he was charge sheeted vide charge sheet dt. 13-4-2007. The relevant clause of standing orders reads as under:

"25.25 - Habitual late attendance or habitual absence from duty without sufficient cause"

13. The petitioner received the charge sheet and submitted his explanation vide letter dt. 11-5-2007. The respondent company issued enquiry notice dt. 8-5-2007 advising the petitioner to attend the domestic enquiry on 11-5-2007 along with witnesses and documents if any to defend his case. The petitioner fully participated in the enquiry and during the cross examination he accepted that he remained absent on the dates mentioned in the charge sheet and pleaded guilty of the charges levelled against him. He did not submit any documentary evidence in support of his statement.

14. The respondents company has established Dispensaries, Area Hospitals and main hospitals to extent medical treatment free of cost to its employees and their family members. It also extends special leave with half pay for a maximum of 6 months if any of its employees suffer from T.B., Cancer, Paralysis, Heart disease etc.. The petitioner should have reported sick in Colliery hospital if he was really sick. Further it becomes his primary responsibility to communicate about the same and his inability to attend to duties and should have requested the mine authorities to grant leave. The petitioner did not do any of the above and now claims that he was suffering from ill health which was cause of his absenteeism which cannot be considered.

15. And that the petitioner was given family counseling on 11-5-2007 and kept under 3 months observation period from May 2007 to July, 2007. The petitioner did not improve his attendance even after counseling and the following attendance particulars makes it clear that the petitioner was not regular to his duties during the observation period and failed to avail opportunity given to him.

| Month | Musters |
|-------|---------|
| May | 012 |
| June | 017 |
| July | 015 |

16. And that though the petitioner was counseled he did not put up the required minimum 20 musters every month during the observation period and thereof. Hence, the respondents company was compelled to dismiss the petitioner vide order dt. 17-9-2007 w.e.f., 27-9-2007 which cannot be termed as arbitrary or illegal.

And that the domestic enquiry was conducted in a fair way and the charge sheeted employee was given every opportunity to defend his case. The petitioner was explained the contents of charge sheet and the enquiry procedure in Telugu language by the enquiry officer and the petitioner after having satisfied himself signed the enquiry proceedings. The petitioner though offered the opportunity

of have assistance of anyone of his fellow workman did not avail the same. The petitioner did not cross examine the respondent/management witnesses when opportunity was given by the enquiry officer. Thus it can be said that the enquiry was conducted giving fair opportunity to the petitioner and the enquiry officer submitted his report on the basis of recorded evidence.

18. And that the petitioner was already supplied copies of enquiry proceedings, enquiry report etc., and the petitioner has given reply to the show cause notice dt. 6-6-2007. As explanation was not satisfactory and as there was no extenuating circumstances warranting lesser punishment than that of dismissal the respondents company was constrained to dismiss the petitioner from the services of the company.

19. And that the respondents company employees more than 75 thousand persons, which includes workman, Executives and Supervisors. The production results will depend upon the overall attendance and performance of each and every individual. They are interlinked and inseparable. In this regard, if anyone remains absent, without prior sanction of leave or without any justified cause, the work to be performed get effected. Such unauthorised absence creates sudden void, which at times is very difficult to fill up, and there will be proper planning and already planned schedule get suddenly disturbed without prior notice. That is the reason why the respondents company is compelled to take severe action against the unauthorised absentees. In the instant case, the petitioner is one such unauthorised absentee having 238 absences in the year 2006 and he has not improved his attendance and work performance even after issuing the charge sheet and giving counseling by the respondents company. He had failed to avail opportunity given to him. With the advent and implementation of new industrial and economic policies by Central Government as well as company, the respondents 'company cannot go on employing the persons who are chronic absentees, who were burden to the respondents company as such the respondent company was constrained to dismiss the petitioner for his unauthorised absenteeism vide order dt. 17-9-2007. It is the petitioner's misconduct which has compelled the respondent management to impose penalty of dismissal which cannot be termed as unjust and the respondents/management cannot be held responsible for the alleged huge debts and unemployment. Therefore prays to dismiss the petition with costs.

20. The counsel for the petitioner filed a memo U/ Sec.11-A of the I.D., Act, on 31-5-2010 stating that the petitioner is not challenging the domestic enquiry and intend to proceed U/Sec. 11-A of I.D., Act to decide the matter.

21. After giving notice to the other side for which no objection is endorsed, As such the memo is recorded.

22. In view of the memo, no preliminary issues are framed and settled.

23. During the enquiry, no witnesses are examined on either side, but Ex. W-1 to Ex. W-9 are marked on behalf of the petitioner and Ex. M-1 to Ex. M-9 are marked on behalf of the respondents by consent.

24. Heard both sides. Perused the material papers on record.

25. Now the points that arise for consideration are:-

- 1) Whether the present petition is maintainable before this Tribunal?
- 2) Whether the charge framed against the petitioner is proved?
- 3) Whether the punishment of dismissal from service is highly excessive and shockingly disproportionate to the gravity of charge levelled against the petitioner and if so, the dismissal order dt. 17-09-2007 is highly arbitrary, unjust, illegal and liable to be set aside?
- 4) To what relief the petitioner is entitled?

26. POINT No. 1 :-

It is the case of the respondents that the respondents company incorporated under the provisions of Company's act 1956 for carrying out the business and selling the coal and since the coal mining industry is a Central subject, the appropriate Government for this respondents/management is Central Government and that as per Sec. 7 A(1) of I. D., Act, the appropriate Government by may its notification the official gazette constitute one or more industrial tribunals for adjudication of industrial disputes relating to any matter whether specified in the 2nd or 3rd schedule and for performing such other functions as may be assigned to them under this Act. The respondents further submitted in their counter the Central Government established an industrial Tribunal-cum-Labour Court at Hyderabad on 29-12-2000 for adjudication of Industrial disputes and the petitioner ought to have approached the said tribunal for redressal of grievances if any. But the petitioner conveniently avoided to file his petition before the Tribunal established by the Central Government for the reasons best known to him and the petition is not maintainable under law and the same may be dismissed on the ground and this issue may be decided as preliminary issue before proceeding with the trial.

"Appropriate Government is described U/Sec.2-A of the I. D., Act, 1947", According to Sec.2-A(1) of the above Act, the Appropriate Government, by notification in the official gazette constitutes one or more Industrial Tribunals for adjudication of Industrial Disputes relating to any matter whether specified in 2nd, or 3rd schedule. So, according to

the above 2 provisions of law, this Tribunal is established. Admittedly the petition filed by the petitioner is covered by an Industrial Dispute.

27. In a case reported in 1998(5) ALD-16 (D.B) in a writ petition between U. Chinnappa Vrs., Co-operative Corporation of India and others; the Division Bench of our High Court held - "we will assume that in so far as the dismissed or retrenched workman is able to approach the Labour Court straight-away, the power of the Central Government to make a reference of the dispute may be whittled down protanto and in that sense there is a conflict or repugnancy with sub-section (2) of section 2(A) and Section 10(1) r/w sub-section (1) of section 2-A and Section 3 of the Act. Even then, the Presidential assent given under Article 254(2) makes the State law prevail over the provisions of the Central law to the extent of repugnancy". It also further observed Industrial Disputes Act, 1947, Section 2-A(2) - Not confined to workmen employed in Industrial undertakings of State Government - It applies also to workmen engaged in Central Government undertakings.

28. If the plea of the respondent is considered in the light of the above case law, it falls to the ground, because, Section 2-A(2) of I.D. Act, 1947 applies both to the workmen employed in Industrial undertakings of State Government and also to the workmen engaged in Central Government undertakings.

29. In other words, it can be said it is for the workman to approach U/Sec.2-A(2) of I.D., Act, either to the Industrial Tribunals having Central jurisdiction and also the Tribunals having State jurisdiction.

30. In view of the above, I hold that this Tribunal is having jurisdiction to decide the industrial dispute on hand and the petition filed by the petitioner is maintainable. The point is answered accordingly.

31. POINT No. 2:-

Ex. W-1 is the office copy of the demand notice sent by the petitioner to the respondent No. 2 seeking to reconsider the decision of dismissal from service and to reinstate him into service with all service benefits within 15 days from the date of receipt of the notice. Ex. W-2 is the served copy of the dismissal order; Ex. W-3 is the served copy of the show cause notice, Ex. W-4 is the served copy of the charge sheet; Ex. W-5 is the postal acknowledgement of the respondent No.2 for the demand notice sent under Ex. W-1; and Ex. W-6 to Ex. W-9 are the medical record pertaining to the father of the petitioner from August 2006 to December, 2006.

32. Ex. M-1 is the charge sheet dt.30-4-2007, and the petitioner received it. According to this charge sheet, the petitioner was unauthorisedly absent to his duties for a total period of (238) days during the period from January, 2006 to December, 2006. In this charge sheet it is also

mentioned that the actual musters put up by the petitioner during the year 2006 are (74) and the actual musters during the previous 3 years i.e., 2003 are (51), 2004 (04) and 2005 (126) musters. Ex. M-2 is the enquiry notice calling the petitioner to attend the enquiry scheduled to be held on 11-5-2007. Ex. M-3 is the reply given by the petitioner to the charge sheet. In this reply the petitioner admitted that he had put in only (74) musters during the year 2006. As seen from Ex. M-4 enquiry proceedings one Mr. B. Vijaykumar, acting Office Superintendent and one Mr. T. Narsaiah, Clerk were examined on behalf of the respondent and the petitioner was examined in his defense. Sri T. Narsaiah, Clerk examined on behalf of the management categorically stated that he was engaged on preparation of pay sheets of the coal fillers, that the petitioner remained habitually absent from duty from January, 2006 to December, 2006 for a total period of (238) days without any sufficient cause, as per the paid pay sheets. It is further deposed that the attendance particulars of the petitioner for the past 3 years are: 2003 - 051, 2004 - 004 and 2005 - 126. In support of his statement the witness produced Form "C" registers, paid pay sheets and leave ledgers of the petitioner and the witness categorically deposed that the petitioner had habitually absented from his duties during the above period without sufficient cause and sanction of leave and as such he is guilty of the charges of misconduct under the Company's standing orders No. 25.25. This witness was not cross examined by the petitioner and as such his evidence remained un-rebutted and unchallenged. Another witness Sri B. Vijay Kumar acting office Superintendent also deposed before the enquiry officer that the petitioner is a habitual absentee, he was served the charge sheet dt. 30-4-2007 as he remained habitually absent from January, 2006 to December, 2006 without sufficient cause and sanction of leave which constitutes misconduct under the standing orders No. 25.25. He produced the material documents i.e., charge sheet, explanation given by the petitioner, enquiry notice and letter No. SRP/PER/13.008/1405, dt. 8-5-2006 before the enquiry officer which were marked as Ex. M-1 to Ex. M-4. An opportunity was given to the petitioner to cross examine this witness, but the petitioner stated that he do not want to cross examine him as such the evidence of this witness also remained un-rebutted before the enquiry officer.

33. Further, in his statement before the enquiry officer also the petitioner clearly admitted that he absented to his duties for (238) days habitually without sanctioned leave from January, 2006 to December 2006 and that he had worked for (31) days during the year 2007 till 10-5-2007. He asserted that the reasons for abstaining from his duties are due to his father's health problems. But the petitioner categorically stated before the enquiry officer that he is unable to produce any medical records pertaining to his problem since he did not possess the same and further admitted that it is his mistake for not informing the higher authorities the reasons for his absenteeism. So the proceedings before the enquiry officer under Ex. M-4 clearly shows that the petitioner

unauthorisedly absented for duties for (235) days during the year 2006 without any sanction of leave and that he is a habitual absentee for the past 3 years from 2003 to 2005. So I do not find any irregularity in the findings of the enquiry officer marked under Ex. M-5 holding that the charge levelled against the petitioner was proved. Under Ex. M-6, the petitioner gave an undertaking to the respondents admitting his putting (74) musters in 2006 and his musters during the past 3 years of 2004 - 4 musters and 2005 - 126 musters and further stated that a counseling was given to him on 11-5-2007 and that he would put up (20) musters per month in future and in case of his failure he has no objection for the disciplinary action that would be taken against him by the respondents.

34. So after considering the enquiry report and after giving considerable opportunity to the petitioner, to improve his performance i.e., musters and work as stated above, finally on 28-5-2007 the respondents issued show cause notice to the petitioner along with enquiry report and enquiry proceedings giving (7) days time to him to make representation and for which the petitioner gave his reply to the said show cause notice under Ex. M-8. In this reply also the petitioner admitted the charge levelled against him stating that he absented to duties during the year 2006 unauthorisedly. After considering the above documents only, the respondent No. 2 issued dismissal order marked as Ex. M-9 dismissing the petitioner from service. So from the above discussion and the evidence placed on record, it is clearly established that the charge levelled against the petitioner is amply proved.

35. POINT NO. 3 :-

It is the plea of the petitioner that the punishment of dismissal imposed by the respondents is extremely harsh and highly excessive, which is shockingly disproportionate to the gravity of the charge levelled against him and it amounts to his economic death. The said punishment is not at all warranted and it is against the mandatory/statutory provisions of law and contrary to the principles of natural justice. Therefore, he prays that the dismissal order is liable to be quashed stating that the respondents had not considered his 16 years service and the genuine ill health problems, before imposing the capital punishment of dismissal from service.

36. Even during the course of trial before this Industrial Tribunal, the petitioner has not filed any medical record to prove that he was suffering from any ill health during the above charge period of 2006 or during the previous years of 2003 to 2005 or subsequent to 2006. Further he categorically state before the enquiry officer that the medical record pertaining to his father was not available with him at the time when his statement was recorded but the petitioner did not explain as to how and from where he got the medical record under Ex. W-6 to Ex. W-9 filed before this court. So from these peculiar facts and circumstances, there is every doubt about the

genuineness or otherwise of the medical record under' Ex. W-6 to Ex. W-9. The respondents without issuing show cause notice immediately soon after receipt of the enquiry report, gave considerable time to the petitioner to improve his attendance and after observing the petitioner for about 3 months, the 2nd respondent issued the dismissal order after considering his explanation to the show cause notice.

37. Under the above circumstances, I am under the considered opinion that the dismissal order passed by the 2nd respondent is not against to any statutory/mandatory provisions of law and it is quite in accordance with the principles of natural justice, since the charge framed against the petitioner stood proved.

38. Further the respondents also considered the absenteeism of the petitioner during the past 3 years from 2003 to 2005 which were mentioned in the charge sheet and also during the enquiry proceedings and then only passed the dismissal order under Ex. M-9. Apart from it, the petitioner did not place any oral or documentary evidence to substantiate that the punishment imposed against him is shockingly disproportionate to the proved misconduct. Therefore, I hold that the punishment of dismissal from service imposed on the petitioner by the 2nd respondent is not arbitrary, unjust and illegal and it is not liable to be set aside. So, I do not find any reasons to hold that the punishment of dismissal from service is disproportionate to the proved charge.

39. While arguing the case, the learned counsel for the petitioner submitted that this Tribunal can interfere with the punishment even if the charge stand proved, if it is disproportionate to the proved guilty by giving reasons. But as mentioned above, I do not see any grounds to interfere with the punishment imposed against the petitioner.

40. On the other hand the learned counselor the respondents drew my attention to a case reported in 2002 (1) ALO 314 (DB) of the Hon'ble High Court of A.P., in which their Lordships of the Hon'ble High Court held that the termination from service on the ground of continued absence from duty under the standing orders does not amount to retrenchment and when such order of termination was made after giving a notice to the employee, it is not liable to be challenged.

41. In the present case, the petitioner was dismissed from service under Ex. M-9 as his habitual and unauthorised absenteeism from duties was proved not only in the year 2006 but also in the previous years 2003 to 2005, that too after giving due opportunity in the domestic enquiry, giving show cause notice and also affording about 3 months observation period to improve his attendance. So, the above circumstances the dismissal order passed by the 2nd respondent is just and proper.

42. In view of the foregoing discussion, I hold that the punishment of dismissal from service is not excessive

or disproportionate to the gravity of the charge proved against the petitioner. As such, I am under the considered opinion that the dismissal order is not arbitrary, unjust, illegal and not liable to set aside. The point is answered accordingly.

43. POINT No. 4 :-

In view of my findings on Point Nos. 2 & 3, I hold that the petitioner is not entitled to any relief muchless as prayed for by him.

44. In the result, the petition is dismissed. In the circumstances, each party do bear their own costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 13th day of February, 2012.

M. SYAMALA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman :-

-Nil-

For Management :-

-Nil-

EXHIBITS

For workman :-

| | | |
|--------|----------------|--|
| Ex.W-1 | Dt. 05-08-2008 | Demand Notice office copy |
| Ex.W-2 | Dt. 17-09-2007 | Dismissal order |
| Ex.W-3 | Dt. 28-05-2007 | Show Cause notice |
| Ex.W-4 | Dt. 30-04-2007 | Charge sheet |
| Ex.W-5 | Dt. 07-08-2008 | Postal Ack., card |
| Ex.W-6 | Dt. — | SCCLO.P. ticket Sl. No. 6631 from 13-10-2006 to 17-10-2006 |
| Ex.W-7 | Dt. 29-08-2006 | SCCL Hospital O.P., ticket Sl. No. 3414 |
| Ex.W-8 | Dt. 28-09-2006 | SCCL Hospital O.P., ticket Sl. No. 18774 |
| Ex.W-9 | Dt. 01-12-2006 | Medical prescription of Dr. Anil Kumar, M.S. of Anil Surgical centre |

For Management:-

| | | |
|--------|----------------|---|
| Ex.M-1 | Dt. 30-04-2007 | Charge sheet |
| Ex.M-2 | Dt. 08-05-2007 | Enquiry notice |
| Ex.M-3 | Dt. 11-05-2007 | Reply to the charge sheet |
| Ex.M-4 | Dt. -do- | Enquiry proceedings |
| Ex.M-5 | Dt. -do- | Enquiry report |
| Ex.M-6 | Dt. -do- | Undertaking letter given by the petitioner after counseling the respondent. |
| Ex.M-7 | Dt. 28-05-2007 | Show cause notice |
| Ex.M-8 | Dt. 06-06-2007 | Reply to the show cause notice |
| Ex.M-9 | Dt. 17-09-2007 | Dismissal order |

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिचार्डसन एण्ड क्रुडडस लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 142/2002 को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।

[सं. एल-42012/217/2001-आई आर (सीएम-II)]

डॉ. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 142/2002 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of Richardson & Cruddas Ltd., and their workmen, received by the Central Government on 27-02-2012.

[No. L-42012/217/2001-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/142/2002

Date : 09-02-2012

Party No. 1 : The Dy. General Manager
Richardson & Cruddas Ltd.,
MIDC, Hingna, Nagpur.

Versus

Party No. 2 : Shri Naresh S/o Sh. Kothiram Meshram
R/o Behind Bagadganj Police Station,
Nagpur.

AWARD

(Dated : 9th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Richardson & Cruddas Ltd. and their workman Shri Naresh Meshram, for adjudication, as per letter No. L-42012/217/2001-IR (CM-II) dated 02-08-2002, with the following schedule :—

"Whether the action of the management of M/s. Richardson and Cruddas (1972) Ltd. a Govt. of India undertaking, Nagpur through its Dy. General Manager, in dismissing Shri Naresh S/o. Kothiram Meshram r/o. behind Bagadganj Police Station,

Nagpur, w.e.f. 25-08-1995 is legal and justified? If not, to what relief the said workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Naresh Meshram, ("the workman" in short) filed his statement of claim and the management of the Richardson & Cruddas ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of-claim is that he was employed as a semi-skilled workman with the party no. 1 and worked for about 10 years with integrity and his entire service record was excellent and unblemished and on 11-04-1994, he was put under suspension by the order of the Chief Manager dated 10-04-1994 and on 21-04-1995, he was served with a charge sheet containing 3 head of charges, under Rule 23 of the Certified Standing Orders and the charges leveled against him were willful insubordination, disobedience, drunkenness and commission of acts, subversion of discipline and the entire charge sheet was bogus, concocted and fabricated and he submitted his reply denying the charges and Mr. F. G. Issac, an advocate was appointed as the enquiry officer, by order dated 30-04-1994 and the enquiry officer without giving him any opportunity to demand document from the management or to examine his witnesses and without considering the documents produced by him conducted the enquiry in undue haste, by violating the principles of natural justice and the enquiry officer submitted his report on 10-07-1995 and the enquiry conducted against him was not fair and proper and the enquiry officer was not competent to hold the enquiry and thus, the 'enquiry was vitiated and the charge sheet, show cause notice and dismissal order were issued by the Dy. General Manager, who had no right, power or authority to dismiss him from services and as such, the order of dismissal is without jurisdiction, the same being passed by an incompetent person. The further case of the workman is that the findings of the enquiry officer are perverse and the enquiry officer was interested in submitting a favourable report in favour of the party no. 1 and the punishment of dismissal from services imposed against him is shockingly disproportionate to the gravity of the charges and as such, the said order amounts to an unfair labour practice and victimization, in colourable exercise of employer's right and the misconducts alleged to be committed by him were minor and technical in character and the punishment was imposed without considering his past service record. The workman has prayed to quash and set aside the order of dismissal dated 25-08-1995 and to reinstate him in service with continuity and full back wages.

3. The party no. 1 in its written statement has pleaded inter-alia that the workman was placed under suspension from 11-04-1995, pending contemplation of disciplinary

action and he was charge sheeted for his involvement in commission of various serious misconducts and the charges were genuine and an enquiry officer was appointed correctly to enquire into the charges and the enquiry officer conducted the proceedings of the enquiry in a proper manner and the workman was afforded all reasonable opportunities consistent with the principles of natural justice to defend his case and he was supplied with all the documents, which were produced during the enquiry and also copies of the day to day proceedings and though the workman was given scope to lead evidence, he did not avail the opportunity and the representation by 111 employees as mentioned in the statement of claim has nothing to do with the enquiry and the enquiry was not conducted in a haste and on completion of the enquiry, the enquiry officer submitted his report and there is no bar to appoint a practicing advocate in conducting the enquiry and the enquiry officer was properly appointed and he was competent to hold the enquiry and the objection raised by the workman was duly considered and the workman was issued with the show cause notice on 13-07-1995, by the competent authority and there was no infirmity in the matter of competency of the concern officer and the workman was supplied with the findings of the enquiry officer to enable him to file objection if any and the dismissal order was also passed by the competent authority and the same is perfectly legal and as the charges framed and proved against the workman were of serious in nature, the order of dismissal from service passed against him is justified and the findings of the enquiry officer are based on documents and other materials on the record of the enquiry and the enquiry officer had no reason to nurture any animosity against the workman and the punishment is not shockingly disproportionate and the workman is not entitled for any relief.

4. As this is a case of dismissal of the workman from services, after holding a departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration and by order dated 17-03-2010, the enquiry was held to be proper and valid.

It is necessary to mention here that the case was closed for award, as per order dated 09-03-2010 by my predecessor in office, but as no award was not passed by him, till his retirement, the case was re-opened and after hearing of argument from the parties, the case was again posted for award.

5. At the time of argument, it was submitted by the learned advocate for the petitioner that the charge sheet submitted against the workman was bogus, concocted and fabricated and the enquiry was not conducted by following the principles of natural justice and the enquiry was not fair and the enquiry officer was a practicing advocate and as such, he was not entitled to conduct the enquiry and though the order of suspension was issued by the General Manager, the charge sheet, show cause

notice and dismissal order were issued by the Dy. General Manager, and as such, the dismissal order is illegal, as the Dy. General Manager has no jurisdiction to pass the order and the findings of the enquiry officer are perverse and the order of dismissal is shockingly disproportionate and is by way of victimization and while imposing the punishment, the passed clean and unblemished service record of the workman was not considered.

6. Per contra, it was submitted by the learned advocate for the party no. 1 that as per order dated 07-03-2010, this Tribunal has already held that the enquiry to be proper and the order of suspension was not bad in law and charges of commission of serious misconducts under Rules 23(a), (1) and (m) under the Certified Standing Orders were levelled against the workman and such charges were proved against him in a properly conducted enquiry and the findings of the enquiry officer are based on the materials on record of the departmental enquiry and they are not perverse and the punishment imposed is proportionate to the proved misconducts and continuance of such employee in a establishment will hamper industrial peace and tranquility and the workman is not entitled for any relief.

In support of such contention, the learned advocate for the party no. 1 placed reliance on the decisions reported in 2006-I-LLJ 1074 (Verman L.K. and HMT limited and another), 1997 LAV IC-3095 (Brijesh Kumar Yadav Vs. Secretary, Basic Shiksha Parishad, UP) and 2002 LLR-2255 (Gwalior Potteries and others Vs. Bhagwandas and others).

7. Perused the record. Taking into consideration the materials available on record and the submissions made by the learned advocates for the parties and the principles enunciated by the Hon'ble Courts in the decisions cited by the learned advocate for the party no. 1, it is found that so for the contentions regarding the validity of the enquiry raised by the learned advocate for the workman have already been considered and decided against the workman at the time passing of the validity of the departmental enquiry. Now, the questions remain for considerations are regarding the perversity of the findings and the quantum of punishment. There is nothing on record to show that the findings of the enquiry officer are perverse. Though in the statement of claim, the workman has mentioned that the findings of the enquiry officer are perverse, there is nothing in the same to show as to how the findings are perverse. In his reply to the disciplinary authority to the show cause notice issued to the workman, he had not raised any objection regarding the findings of the enquiry officer, though he had raised objection regarding the process of conducting of the enquiry. On perusal of the record, it is also found that commission of serious misconducts like abusing senior officers and manhandling the officer have been proved against the workman in a properly held departmental enquiry. In the decision reported in 2006-I-LLJ 1074 (Supra) the Hon'ble Apex

Court have held that, "verbal abuse was sufficient for inflicting punishment of dismissal and the contention of the appellant regarding quantum of punishment could not be countenanced." Similar view has also been taken by the Hon'ble Courts in the other two decisions cited by the learned advocate for the party No. 1. Applying the principles enunciated by the Hon'ble Courts in the decisions mentioned above to the present case in hand; it is found the punishment imposed against the workman can be said to be shockingly disproportionate, calling for interference. Hence, it is ordered :-

ORDER

The action of the management of M/s. Richardson and Cruddas (1972) Ltd. a Govt. of India undertaking, Nagpur through its Dy. General Manager, in dismissing Shri Naresh S/o Kothiram Meshram R/o. behind Bagadganj Police Station, Nagpur, w.e.f. 25-08-1995 is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 88/2004 को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था)

[सं. एल-42012/385/2003-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 88/2004 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of Durgapur Sub-Area of Western Coalfields Limited, and their workmen, which was received by the Central Government on 27-02-2012.

[No. L-22012/385/2003-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/88/2004

Date: 08-02-2012.

Party No. 1 : The Sub-Area Manager, Durgapur Sub-Area of WCL, Po-Durgapur, Tah. & Dist.—Chandrapur.

Vs.

Party No. 2 : Sh. K.K. Singh, President, Koyla Khadan Mazdoor Sangh (INTUC), Sadbhawana

Bhawan, Shakti Nagar, Durgapur, Tah & Dist. Chandrapur (MS)

AWARD

(Dated : 8th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their workman Shri Prasad Rajan, for adjudication, as per letter No. L-22012/385/2003-IR (CM-II) dated 04-10-2004, with the following schedule:-

"Whether the action of the management in relation to Dhoptala Sub Area of Western Coalfields Limited in dismissing She Prasad Rajan, Driver, Durgapur Open Cast Project, from service vide office order No. WCL/CHA/DOC/SUPDT. (M)/MGR/40 dated 05-04-2003 is legal and justified? If not, to what relief the workman is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "Koyla Khadan Mazdoor Sangh . (INTUC)", ("the union" in short), filed the statement of claim on behalf of the workman, Shri Prasad Rajan, ("the workman" short) and the management of the WCL ("Party No. 1" in short) . filed its written statement.

The case of the workman as projected in the statement of claim by the union is that the workman was charge sheeted by party no. 1 vide letter dated 25-01-2001 and enquiry was constituted by the party no. 1 vide letter dated 01/02-07-2001 and the enquiry was completed on 18-10-2001 and the enquiry officer submitted his report on 09-01-2002 and the workman was supplied with the copy of the enquiry report vide letter no. 183 dated 25-04-2002 and after lapse of about 2 years, the order of dismissal of the workman from services was served on him vide letter dated 05-04-2003. The further case of the workman is that one shri K.H. Raipure was also charge sheeted for the same occurrence and the charges leveled against him and shri Raipure were the same and the enquiry officer in both the enquiry proceedings was also the same and shri Raipure was also found to be guilty of the charge of committing theft of diesel from the company's vehicle and though order of dismissal from services was passed against him, shri Raipure was only demoted from the original post and shri Raipure was given minor punishment and the party No. 1 intentionally and with malafide intention passed the order of dismissal from services against him, only to take revenge against him, as he is a member of the RKKMS union and the order of punishment is illegal. The workman has prayed to set aside the order of punishment and to pass proportion punishment to the misconduct proved against him.

3. The party No. 1 in its written statement has pleaded inter-alia that the subject matter of the reference relates to Durgapur OC Sub Area, and not to Dhoptala Sub Area, as mentioned in the reference and the workman was working as a driver before his dismissal from service on 08-07-1982 and he was charge sheeted on 25-01-2001, for his involvement in pilferage of diesel from the water tanker in the nearby OB dump of Neeri area of Durgapur OC and as the reply of the workman was not satisfactory, a departmental proceeding was conducted against him and the workman and his co-worker participated in the enquiry and full opportunities were given to the workman to defend himself in the enquiry and the enquiry officer submitted his report on 05-01-2002 and the disciplinary authority after going through the findings and the recommendations, dismissed the workman from services. The further case of the party No. 1 is that the charges against the workman were theft, fraud or dishonesty in connection with the employer's business or property and such a grave misconduct was proved in the enquiry and as such, the punishment imposed against him is proper, legal and justified.

4. It is necessary to mention here that as this is a case of dismissal of the workman from the services, after holding of a departmental enquiry, the issue regarding the validity of the enquiry was taken up for consideration as a preliminary issue. Parties filed their respective evidence on affidavit in that respect. However, on 09-11-2010, the learned advocate for the workman filed a pursis intimating that the workman doesn't want to challenge the validity of the enquiry. In view of the pursis and the materials on record, on 09-11-2010, the enquiry was held to be proper, legal and by following the principles of natural justice.

5. At the time of argument, the learned advocate for the workman harped on the question of disparity in imposing punishment against the workman and shri Raipure by the party No. 1. It was submitted by the learned advocate for the workman that same charges had been leveled against the workman and shri Raipure and both had been found guilty of the charges by the same enquiry officer, but the party No. 1 discriminated in imposing the punishment against the workman and shri Raipure and while shri Raipure was only demoted, the workman was dismissed from services and as such, the punishment imposed against the workman is not proportionate and at least the workman deserves the same punishment as imposed against shri Raipure.

6. Per contra, it was submitted by the learned advocate for the party No. 1 that though the charges leveled against the workman and shri Raipure were the same, the competent authority found that the charges under clause 26.1 was not proved against shri Raipure beyond reasonable doubts and shri Raipure was found guilty only under clause 26.22 and as such, he was demoted from services, whereas, the workman was found guilty of

the charges under clauses 26.1 and 26.22 of the Standing Orders and as the misconduct committed by him was very grave, he was dismissed from service and there was no disparity in the punishment imposed against the workman and shri Raipure and there is no merit in the reference and the workman is not entitled for any relief.

7. Perused the record. The workman has not challenged the findings of the enquiry officer. From the documents filed by the workman, it is found that though shri Raipure was found guilty of the charges under clauses 26.1 and 26.22 by the enquiry officer, the competent authority i.e. Superintendent/Manager of the colliery did not agree with the findings of the enquiry officer and opined that charges leveled against shri Raipure under clause 26.1 not to be proved and as such, the disciplinary authority imposed the punishment of demotion against shri Raipure. However, it is found from the record that charges under clauses 26.1 and 26.22 were proved against the workman in a validly conducted departmental enquiry. The commission of serious misconducts by the workman was proved against the workman in a properly conducted departmental enquiry. As such, the punishment of dismissal from services imposed against the workman cannot be said to be shockingly disproportionate to the charges. There is no disparity in imposing the sentences against the workman and shri Raipure. There is no merit in the reference. Hence, it is ordered :-

ORDER

The action of the management in relation to Durgapur Sub Area Manager, Durgapur OCM, Chandra pur (and not Dhoptala Sub Area of Western Coalfields Limited as wrongly mentioned in reference) in dismissing Sh. Prasad Rajan, Driver, Durgapur Open Cast Project, from service vide office order No. WCL/CHA/DOC/SUPDT. (M)/MGR/40 dated 05-04-2003 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 09/2011 को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2012 को प्राप्त हुआ था)

[सं. एल-22012/51/2008-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 09/2011 of

the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of Wani Area of WCL Post. Urjagram and their workman, received by the Central Government on 27-02-2012.

[No. L-22012/51/2008-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/09/2011-12

Party No. 1 : The Chief General Manager,
Wani Area of WCL Post; Urjagram,
Tadali, Distt. Chandrapur (MS)

Versus

Party No. 2 : The General Secretary,
Sanyukta Khadan Mazdoor Sangh,
Sanyal Bhawan Gandhi Nagar,
Ghugus-442505 Distt. Chandrapur.

AWARD

Dated : 8th February, 2012

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their workman Mr. Jamalludin Nizamuddin, for adjudication, as per letter No. L-22012/51/2008-IR (CM-II) dated 09-05-2011, with the following schedule :

"Whether the action of the management of Wani of WCL in refusing to record the correct date of birth of Shri Jamalludin Nizamuddin, Driver-Cum-Mechanic of Naigaon O/C Mines of WCL, despite the existence of original record is legal and justified? If not, what relief the workman concerned is entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement.

It is necessary to mention here that when the case was posted for filing of the statement of claim by the workman, the workman filed an application for withdrawal of the case on the ground of having a settlement with the management. the workman also filed a copy of the settlement arrived at between himself and management of WCL as per Section 18 (1) of the Industrial Disputes Act, 1947 read with Rule 58 of the Industrial Disputes (Central) Rules, 1957. The management also filed an application filed by the workman in terms of the settlement.

In view of the application filed by the workman and that the dispute has already been resolved by the settlement arrived at between the parties, the application filed by the workman is allowed. It is ordered :

ORDER

The reference be treated as withdrawn in accordance with the settlement arrived at between the parties. The application filed by the workman, copy of the settlement and the application filed by the management be made part of the award.

J.P. CHAND, Presiding Officer

फॉर्म-एच

औद्योगिक विवाद अधिनियम 1947 के धारा 18(1) के तहत, औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 58 के अनुसार]

समझौता ज्ञापन दिनांक 21-01-2012

पक्षों का नाम :-

प्रबंधन प्रतिनिधि :

कामगार/संघ प्रतिनिधि

- | | |
|---|--|
| (1) श्री अनिल कुमार, क्षेत्रीय वरिष्ठ प्रबंधक (कार्मिक), वे.को.लि. वणी क्षेत्र | 1. श्री जमालुद्दीन निजामुद्दीन, 1986/1996 डाइवर कम मेकेनिक, नायगाँव ओ.सी. वे.को.लि. वणी क्षेत्र |
| (2) श्री राजेश लो नायर, प्रबंधक (कार्मिक/औ. सं) वे.को.लि. वणी क्षेत्र | 2. श्री सन्तोष मिश्रा, अध्यक्ष, एस.के.एम.एस. (एटक) वे.को. लि. वणी क्षेत्र |

प्रकरण का संक्षिप्त विवरण

श्री जमालुद्दीन निजामुद्दीन, एन.ई.आई.एस. क्र. 1986/1996, डाइवर कम मेकेनिक, नायगाँव ओपनकास्ट खान, वे.को.लि. वणी क्षेत्र के संबंध में एस.के.एम.एस. (एटक) संघ द्वारा ने औ.सं.की बैठकों में मांग उठाया था की श्री जमालुद्दीन निजामुद्दीन की जन्म तिथि, नायगाँव ओ.सी.एम. (वर्तमान इकाई जिसमें वह पदस्थ हैं) में स्थानांतरण (दिनांक 10-05-1988) होने पर भरे गए फॉर्म -बी (क्र. 353) में गलती से (01-07-1952) (एक जुलाई उन्नीस सौ बावन) दर्ज हो गया है। अतः इस गलती को सुधार कर, उनकी जन्म तिथि, उनके नियुक्ति (दिनांक 01-10-1977) के समय (पिद्स कॉलरी में) भरे गए प्रथम फॉर्म-बी (क्र. 295), में अंकित जन्म तिथि (01-07-1956--एक जुलाई उन्नीस सौ छप्पन), किया जाए।

श्री जमालुद्दीन निजामुद्दीन एन.ई.आई.एस. क्र. 1986/1996, डाइवर कम मेकेनिक, नायगाँव ओपनकास्ट खान, वे.को.लि. वणी क्षेत्र, का आयु सुधार का प्रकरण समस्त आवश्यक दस्तावेजों सहित, सक्षम अधिकारी के अवलोकन एवं निर्णय हेतु, वे. को.लि. मुख्यालय, नागपुर को पत्र क्र. वे.को.लि.व. क्षेत्र/मु.प्र./कार्मिक/औ. सं./आयु निर्धारण/45/2011/11337 दिनांक 05/06-11-2011 द्वारा भेजा गया। इस प्रकरण का विस्तृत जांच मुख्यालय में गठित समिति द्वारा किया गया।

महाप्रबंधक (कार्मिक/औ. सं.) वे.को.लि. के पत्र क्र. WCL/IR/MSR-Gen(4)/NEIS-Data/82 & 83/51 dtd. 09/10-01-2012 द्वारा सूचित किया गया है कि सक्षम अधिकारी नं. श्री जमालुद्दीन निजामुद्दीन, एन. ई.आई.एस. क्र. 1986/1996, डाइवर कम मेकेनिक, नायगाँव ओपनकास्ट खान, को नियुक्ति के समय भरे गए प्रथम फॉर्म-बी (क्र. 295), में अंकित जन्म तिथि के आधार पर सुधार कर 01-7-1956 (एक जुलाई उन्नीस सौ छप्पन) करने के लिए स्वीकृति प्रदान की है, तथा इस संबंध में फॉर्म-एच समझौता करने हेतु निर्देशित किया है।

अतः यह जन्म तिथि सुधार निम्न अंकित शर्तों पर स्वीकृत किया है।

समझौता ज्ञापन की शर्तें

1. महाप्रबंधक (कार्मिक/ओ.सं.), वे.को.लि. के पत्र क्र. WCL/IR/MSR-Gen(4)/NEIS-Data/82 & 83/51 dtd. 09/10-01-2012 dtd. 5-9-2011 द्वारा प्रप्त अदेशानुसार श्री जमालुद्दीन निजामुद्दीन, एन ई आई एस, क्र. 19861996, ड्राईवर कम मेकेनिक, नयागाँव ओपनकास्ट खान वे.को.लि. वणी क्षेत्र का जन्म तिथि दिनांक 01-07-1952 से सुधार कर 01-07-1956 (एक जुलाई उन्नीस सौ छप्पन) किया जाता है।
2. श्री जमालुद्दीन निजामुद्दीन, बिना कोई शर्त, उनके जन्म तिथि के संबंध में सी. जी.आई.टी., नागपुर के समक्ष, चल रहे प्रकरण क्र. सी.जी.आई.टी./एनजीपी/09/2011-12 (Ref. No.L-22012/51/2008-IR)(CM-II) dtd. 09-05-2011 को वापस लेंगे।
3. श्री जमालुद्दीन निजामुद्दीन, इस प्रकरण को लेकर, और किसी भी फोरम (Forum) पर किसी भी प्रकार का विवाद नहीं उठाएंगे तथा मांग नहीं करेंगे।
4. यह समझौता, श्री जमालुद्दीन निजामुद्दीन, बिना किसी दबाव के, उनकी पूर्ण सहमति से किया जा रहा है।

पक्षों का समझौता स्वीकृती हस्ताक्षर

नियोक्ता प्रतिनिधि :

(अनिल कुमार)

क्षेत्रीय वरिय प्रबंधक (कार्मिक)

वे.को.लि. वणी क्षेत्र

(राजेश खी नायर)

प्रबंधक (कार्मिक/ओ. सं.),

वे.को.लि. वणी क्षेत्र

समझौता के गवाह :

(1) श्री डी.एन. सूटे

ई. पी. फिटर,

नायागाँव ओ.सी., वे.को.लि.

वणी क्षेत्र

प्रतिनिधि :

(1) सहायक श्रम आयुक्त (केंद्रीय), भारत सरकार श्रम मंत्रालय, चन्द्रपुर

(2) क्षेत्रीय श्रम आयुक्त (केंद्रीय), भारत सरकार श्रम मंत्रालय, नागपुर

(3) मुख्य श्रम आयुक्त (केंद्रीय), भारत सरकार श्रम मंत्रालय, नई दिल्ली

(4) सचिव, भारत सरकार श्रम मंत्रालय, नई दिल्ली,

(5) मुख्य महाप्रबंधक, वे.को.लि. वणी क्षेत्र

(6) महाप्रबंधक, (कार्मिक/ओ. सं.) वे.को.लि. नागपुर

(7) उप महाप्रबंधक, (खनन), नायागाँव उपक्षेत्र, वणी क्षेत्र

(8) समस्त समझौता हस्ताक्षरकर्ता

(9) प्रबंधक (कार्मिक/ओ. सं.) वे.को.लि. वणी क्षेत्र

(10) मास्टर फाईल

सेवा में,

मान. प्रसायडिंग ऑफिसर

सेन्ट्रल गवर्नमेंट, इंडस्ट्रियल ट्रिब्युनल कम-लेबर-कोर्ट,

नागपुर

विषय :- सी.जी.आई.टी./एन.जी.पी/9/2011 इस प्रकरण का समझौता हुआ है। यह केस वापस लेने संबंध में...

महोदय,

सेवा में नम्र निवेदन करता हूँ कि मैं, जमालुद्दीन निजामुद्दीन इस कार्यालय में सी.जी.आई.टी./एन.जी.पी/9/2011 केस जमालुद्दीन वरसेस डब्ल्यू.सी.एल. केस चालू थी और इस केस का डब्ल्यू.सी.एल. के साथ में समझौता हो गया।

इसलिए मैं इस केस को वापस लेता हूँ। कृपया इस आवेदन को मंजूर करने की कृपा करें।

धन्यवाद

साथ :-

फार्म एच. (समझौता कॉपी)

जोड़ रहा हूँ।

आपका प्रार्थी

जमालुद्दीन निजामुद्दीन

दि. 23-01-2012

BEFORE THE HON'BLE CGIT, AT NAGPUR

Case No.—CGIT/NGP/09/2011

Jamalludin -Vs- CGM, WLL, Wani Area

No Objection filed on behalf of the management WCL

The Party No. 2/management most humbly begs to submit as under :—

(1) That, the Party No. 1/Workman has filed an application for withdrawal of the Case

(2) That, Shri Jamalludin Nizamuddin unconditionally agrees to withdraw Case No. CGIT/NGP/09/2011-12 in connection with correction of his date of bith as the dispute between workman & management is settled.

Hence management has no objection regarding the withdrawal of case by workman Shri Jamalludin

Date : 08-02-2012

Nagpur

(G D.ASOLEY Adv.)

C.F. Party No. 2

WCL

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 158/2000 को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था)

[सं. एल-21012/44/1987-डी-III-बी-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 27th February, 2012

S.O. 1163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 158/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the employees in relation to the management of WCL and their workman, which was received by the Central Government on 27-02-2012.

[No. L-21012/44/1987D-III-B-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/158/2000 Date: 07-02-2012.

Party No. 1 The Sub Area Manager, Sub Area no. VIII,
Padmapur Open Cast Colliery, M/s. WCL,
PO Durgapur, Distt. Chandrapur (MS)

Versus

Party No. 2 Shri Manohar Krishnaji Burile, Jatpura Ward
No. 1, C/o Ashok Gosai Bele's House Post,
Tahsil and Distt. : Chandrapur (MS)

AWARD

(Dated : 7th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of WCL and their workman Shri Manohar Krishnaji Burile, to CGIT-Cum-Labour Court, Mumbai-I for adjudication, as per letter No. L-21012/44/87-D-III-B dated 29-08-95, with the following schedule :—

"Whether the action of the management of M/s. WCL (Padmapur Opencast Colliery) in terminating the services of Sh. Manohar Krishnaji Burile w.e.f. 09-12-1986 is legal and justified? If not, to what relief the workman is entitled?"

Subsequently the case was transferred to this Tribunal for adjudication according to law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Manohar Burile, ("the workman" in short) filed his statement of claim and the management of the WCL ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that on 17-07-1985, he was appointed as a apprenticeship driver in Padmapur Opencast colliery by party No. 1 for one year and after completion of the apprenticeship period successfully with clean and excellent service record, *vide* order dated 01-08-1986, his services was regularized by the party No. 1 w.e.f. 01-08-1986, on the recommendation of the departmental promotion committee and the Industrial Employment Standing Order

Act, 1946 is applicable to the party No. 1 and he completed the statutory probation period of three months w.e.f. 01-08-1986 to 31-10-1986, with clean and excellent service record. The further case of the workman is that on 14-11-1986, he took Shri O. N. Shukla, S. E. (E&M), on official trip to Nagpur in the official jeep and on the return trip to Durgapur Padmapur, one Shri Padmanabhan accompanied Shri Shukla in the jeep and Shri Shukla asked him to leave Shri Padmanabhan at Ballarpur Paper Mills colony and accordingly, he complied with the order, without any complaint from any side, but he was issued with a vague, belated, unfounded and fabricated charge sheet dated 20-11-1986, by the party No. 1 and the party No. 1 also terminated his services on 09-12-1986, without conducting any enquiry and such termination not only amounts to dismissal from services, but also, amounts to denial of reasonable opportunity to him in violation of the principles of natural justice and the action of party No. 1 was unfair labour practice done with malicious intention and ulterior motive and his termination from services is illegal. The further case of the workman is that after the conciliation proceedings, the Central Government denied to refer the dispute for adjudication, so he approached the Hon'ble High Court for redress and during the pendency of the Writ Petition, the party No. 1 smelling its loosing of the case, again appointed him on apprenticeship driver w.e.f. 21-02-1989 for one year and after completion of the apprenticeship period, he was appointed as Tr. Operator, Cat. II w.e.f. 09-12-1990 and he is entitled for reinstatement in services as a regular driver w.e.f. 09-12-1986 and all consequential benefits. The workman has prayed for his reinstatement in service w.e.f. 09-12-1986 with full back wages.

3. The party no. 1 in its written statement has pleaded *inter alia* that the workman was appointed as apprentice drive vide office order dated 26-05-1985 and he was allowed on duty at Padmapur opencast project w.e.f. 17-07-1985 and as per the appointment letter dated 26-05-1985, the training period of the workman was of two years, with consolidated stipend of Rs. 260 per month for the first year and Rs. 300 per month for the second year and the workman accepted the offer of appointment and as such, it is not open to him to say that his probation period as apprentice was only for one year and as per office order dated 01-08-1986, on completion of one year apprenticeship, the workman was regularized as general mazdoor-Cat.-I, with probation period of six months, with the conditions that during the said period, if his performance would be found not to be satisfactory, then he would be reverted back to the original post or the probation period would be extended and such condition was stipulated in the order itself. The further case of the party no. 1 is that the workman was deputed to drive jeep no. MZW-9869 on 14-11-1986, from Chandrapur to Nagpur and back and Mr. A.N. Shukla and Mr. Paranabhan Padmanabhan were the occupants of the said jeep and

while returning back to Chandrapur and Ballarpur from Nagpur, the workman allowed some unauthorized outsider to travel in the jeep, taking some amount from them and those unauthorized occupants, stole some of the belongings of Shri Padmanabhan and such complaint was made by Shri Padmanabhan against the workman and basing on such complaint, charge sheet dated 20-11-1986 was issued against the workman by it and the workman filed his reply on 27-11-1986, but the same was found not to be satisfactory and on the basis of the preliminary enquiry and as per the terms of his appointment orders, the services of the workman were terminated w.e.f. 09-12-1986 and the workman was on probation and had completed only three months service and because of submission of the charge sheet, it was within its right to terminate his services and the charge sheet was neither vague nor belated, unfounded and fabricated and the order of termination is legal and the workman is not entitled for any relief.

4. In order to prove their respective cases, both the parties have adduced oral evidence, besides placing reliance on documentary evidence. The workman has examined himself as a witness in support of his case. Shri D. Ramdeorao and Shri M.A. Padmanabhan have been examined as the two witnesses on behalf of the party No.1. The workman and the two witnesses for the management have reiterated the facts mentioned in the statement of claim and written statement respectively, in their evidence. However, Shri Padmanabhan in his cross-examination has admitted that he cannot say what were the articles stolen from the jeep and the price of the same and no police complaint was filed and he cannot say if he submitted a written complaint to the management.

It is necessary to mention here that as almost all the facts are admitted by the parties and documents have been filed in support of their respective claims, the oral evidence adduced by the parties is not of much help to decide the case.

5. It is the admitted case of the parties that the workman after completion of the apprenticeship period of one year was regularized in service on 01-08-1986 and on 20-11-1986, a charge sheet was submitted against him, on the allegation that on 14-11-1986, when he was taking Shri Padmanabhan to Ballarsaha, he allowed some persons unauthorisedly to board the jeep after taking some money from them and those persons committed theft of some articles of Shri Padmanabhan and the workman submitted his reply to the charge sheet. Admittedly, no departmental enquiry was made to enquire into the charges leveled against the workman, which was mandatory, as per the Standing Orders applicable to party No. 1 and its employees. The plea of the party no. 1 is that on the basis of the preliminary enquiry and on the basis of the conditions imposed in the appointment orders, the workman was terminated from services. There is nothing on record to show as to what preliminary enquiry was made by the party No. 1. Moreover, after submission of

the charge sheet, there was no question of imposing of punishment on the basis of the preliminary enquiry. There was no condition in the orders of appointment that in case the work of the workman would not be found satisfactory, then he would be terminated from services. According to the party No. 1 itself, the condition in the appointment order was that the workman would be reverted back to the original post or the probation period would be extended in case of finding of the work of the workman not be satisfactory. Hence, the order of termination of the services of the workman without holding any departmental enquiry cannot be sustained, the same being illegal.

6. Admittedly, the workman had again been appointed as an apprentice driver w.e.f. 21-02-1989 and has already been appointed as Tr. Operator, Cat II, w.e.f. 21-02-1990. The evidence of Shri D. Ramdeo Rao that the workman secured employment again by mis-representation cannot be taken into consideration in absence of any pleading in that regard in the written statement. As the order of the termination of the services of the workman is held to be illegal, the workman is entitled for reinstatement in service with effect from 09-12-1986, with continuity and seniority as per rules. Taking into consideration the entire facts and circumstances of the management case, it is found that the workman is not entitled for any back wages. Hence, it is ordered :—

ORDER

The action of the management of M/s. WCL (Padmapur Opencast Colliery) in terminating the services of Sh. Manohar Krishnaji Burile w.e.f. 09-12-1986 is illegal and unjustified. The workman is entitled for reinstatement in service with effect from 09-12-1986 with continuity and seniority as per rules. The party No. 1 is directed to give effect to the award within one month from the date of the publication of the award in the official gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स न्यू इन्डिया एश्यूरेन्स कम्पनी लिमिटेड, नागपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 16/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-2012 को प्राप्त हुआ था)

[सं. एल-17012/15/84-डी. IV (A) pt-आई आर (एम)]

जौहन तोपनो, अवर सचिव

New Delhi, the 27th February, 2012

S.O. 1164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 16 (1999) of the Central Government Industrial Tribunal/Labour

Court Nagpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. New India Assurance Company Ltd., (Nagpur) and their workman, which was received by the Central Government on 24-02-2012.

[No. L-17012/15/84-D. IV (A) pt-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/16/1999

Date: 27-01-2012.

Party No. 1 The Divisional Manager,
New India Assurance Company Limited,
Gopal Krishna Bhawan, Rani Jhansi sq.
Sitabuldi, Nagpur-440 012

Versus

Party No. 2 Sh. Subashchandra Mohanlal Chandak,
Behind Jalaram Convent, Maratha Nagar,
Akola, Tehsil & Distt. Akola-441002.

AWARD

(Dated : 27th January, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of New India Assurance Company Limited and their workman, Shri Subashchandra Mohanlal Chandak, to Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur for adjudication, as per letter No. L-17012/15/84-D. IV (A)(Pt) dated 18-09-1991, with the following schedule :—

"Whether the action of the management of New India Assurance Company Ltd. Nagpur in terminating the services of Shri Subhashchandra Mohanlal Chandak, Junior Inspector w.e.f. 27-12-1982 is justified? If not, to what relief the workman is entitled?"

Subsequently the reference was transferred to this Tribunal for adjudication as per law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Subhashchandra Mohanlal Chandak, ("the workman" in short) filed his statement of claim and the management of the New India Assurance Company Limited, ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he was appointed as a junior inspector with party No. 1, as per the appointment order dated 20-03-1980, signed by the Senior Area Manager

and accepting the terms and conditions mentioned in the said appointment letter in writing, he joined in the service and while he was working as such, the party No. 1 issued a memorandum dated 04-05-1982 against him, asking to explain certain allegations of misconduct leveled against him and by the said order, he was also put under suspension and the said memorandum was issued by the manager, who had no authority, power or jurisdiction to issue the same and he submitted his explanation on 14-05-1982 denying the allegations and thereafter, he was served with the charge sheet dated 25-05-1982 and was asked to submit the written statement to the charges leveled against him and he was also informed about the appointment to Shri N.V. Sargave as the enquiry officer to enquire to the charges and he submitted his reply on 12-07-1982, denying the charges and inspite of his submission of the most convincing and satisfactory explanation supported with documents, he was informed by the Senior Area Manager on 06-08-1982 that an enquiry would be held into the charges leveled against him and he demanded certain documents vide his letter dated 05-07-1982 to defend himself in the enquiry, but the senior Area Manager vide letter dated 09-07-1982 intimated the refusal of the management to supply the documents and the enquiry was fixed at Aurangabad, about 250 kilometers away from his normal residence and he was required to incur heavy expenditure for participating in the enquiry, which was during the period of his suspension at the meager salary of Rs. 125 per month and the same materially affected his defence.

The further case of the workman is that his statement was extracted under influence, coercion, inducement and misrepresentation and such fact was conclusively established in the enquiry and the preliminary enquiry was conducted behind his back and the statements recorded in the preliminary enquiry were extracted from the witnesses contrary to the facts and the enquiry officer was highly skilled and experienced in conducting enquiries and the presenting officer on behalf of the management was also highly qualified and trained in law and he demanded the assistance of lawyer to defend himself, but the same was denied resulting in grave failure of justice and violation of principles of natural justice and he suffered serious handicap in the matter of his defence and the enquiry was conducted in an atmosphere surcharged with bias and most of the relevant questions were disallowed by the enquiry officer and no adequate and reasonable opportunity was given to him to put forth his case during the enquiry and the procedure followed in the enquiry and recording of the statement was in flagrant disregard to the established procedure of fair play and justice and not a single witness was examined by the management to support the charge and there was no legal evidence worth the name before the enquiry officer and he was denied adequate and reasonable opportunity and Mr. Kulkarni, the defence assistant given to him was not able to defend

him properly and the enquiry officer submitted his report on 06-06-1982 and the copy of the report was forwarded to him by letter dated 27-12-1982 and the report of the enquiry officer was not based on the legal evidence and the findings were perverse and the enquiry officer had expressed in his report to give the benefit of doubt to him, but at the request of the management, he deleted the same at a later stage and the said fact vitiated the enquiry and no opportunity was granted to him to show cause against the proposed action taken under the order dated 27-12-1982 and as such, the procedure followed was illegal and he was also not given any opportunity to show cause against the report of the enquiry officer, since the report of the enquiry officer was forwarded to him along with the order dated 27-12-1982, whereby he was discharged/removed from services and the order of discharge/termination of his services was ab-initio void and no notice or notice pay was given to him and the provisions of section 25-F of the Act were not complied with and order of termination of his services amounted to retrenchment in terms of section 2 (oo) of the Act and such termination was violative of the principles of natural justice and the provisions of General Insurance (Conduct, Discipline and Appeal) Rules, 1975 and the punishment imposed against him is quite disproportionate to the facts of the case and the Party No. 1 to save the skin of the officers, made him a scape goat and he was victimized and the report of the Enquiry Officer was based on no legal evidence and the Enquiry Officer became a tool in the hand of the Party No.1 and his previous record, which was unblemished was not considered and the order of termination of his service is illegal.

The workman has prayed to quash the order of termination dated 27-12-1982 and to set aside the same and for his reinstatement in service with continuity and all back wages and all consequential benefits.

3. The Party No.1 in its written statement has pleaded *inter alia* that the workman was working as junior inspector on probation at its Akola Branch and the service conditions of the workman were governed by the General Insurance Business Nationalization Act and the scheme framed there under and the said Act and the scheme made there under have over-riding effect not withstanding anything to the contrary contained in any law, agreement and award etc. for the time being in force and the said Act and scheme being a self contained code in itself providing for CDA, Rules, appeals and other remedies available, the dispute cannot be agitated under the Act and apart from the same, as the workman was working as a Development Inspector, he is not a workman as defined in Section 2(s) of the Act and therefore, the dispute is not maintainable under the provisions of the Act. The further case of Party No.1 is that while working as the Junior Inspector at Akola, the workman demanded and collected a sum of Rs. 200 from one Shri Dwarkadas Murlidhar Agrawala as bribe for

settlement of cattle claim and similarly he collected a sum of Rs. 200 from one Shri Narayan Chahai Gaikwad as bribe for settlement of his claim and he also collected similar amounts from 9 to 10 others for settlement of their claims and because of the commission of the said misconducts by the workman, a charge sheet was issued against him and as the reply submitted by the workman was found not to be satisfactory, Shri N.V. Satghere was appointed as the Enquiry Officer to conduct the departmental enquiry and the Enquiry Officer conducted the enquiry on various dated and the workman participated in the enquiry with his defence representative, Shri A. S. Kulkarni fully and during the enquiry, the witnesses for the management were examined in presence of the workman and they were also cross-examined by the defence representative of the workman and after closure of the evidence from the side of the management, the workman was permitted to lead evidence and he examined three witnesses besides examining himself as a witness and after considering the evidence produced in the enquiry, the Enquiry Officer submitted his report holding the workman guilty of the charges levelled against him and the Competent Authority after perusing the entire papers placed before him and considering the total facts and the circumstances of the case and also taking into consideration the seriousness of the misconduct committed by the workman, imposed the punishment of discharge from services vide order dated 27-12-1982 and the action taken against the workman was on the basis of the findings of guilt recorded against him in a properly conducted departmental enquiry and the enquiry was conducted properly and all opportunities were given to the workman to defend himself and the workman was holding a post of trust and the misconduct committed by him was of such a nature that no employer can have a confidence on such an employee and as the management lost confidence in the workman, the reinstatement of the workman is not in the interest of the establishment and the workman is not entitled for any relief.

4. The workman in his rejoinder has pleaded that the Act itself is a super special law and the same prevails over all enactments in regard to Industrial Disputes and the present dispute has been referred by the Government in terms of the order of the Hon'ble High Court of Bombay, Nagpur Bench, Nagpur and the management cannot go against the order of the Hon'ble High Court and the contention regarding his status that he is not a workman is misconceived and contrary to law and facts and the claims raised by the Party No.1 are erroneous and contrary to facts and are liable to be rejected and he did not commit any misconduct.

5. It is necessary to mention here that by way of amendment, the workman incorporated in the statement of claim that after his discharge from service, he has not been gainfully employed and he is entitled for full back wages.

6. The Party No.1 also added in the written statement that it has information that the workman is gainfully engaged after his termination from services and he has inherited landed property situated at village Sonalia and he is a progressive cultivator and he has invested huge amount of money in private companies and he has also number of business including the business of real estate and has a sizeable Income.

7. As this is a case of discharge of the workman from services, after holding a departmental enquiry against him, the validity of the departmental enquiry was taken up for consideration as a preliminary issue and by order dated 27-11-2008, the departmental enquiry against the workman was held not to be in accordance with the principles of natural justice and the same is vitiated.

It is necessary to mention here that as in the written statement, the Party No.1 had prayed to allow it to prove the charges before the Tribunal, in case of finding of the departmental proceeding to be invalid, order was passed on 27-11-2008 itself, directing the Party No.1 to prove the charges before the Tribunal.

8. It is necessary to mention here that the Party No.1 challenged the order passed on the validity of the enquiry dated 27-11-2008 by filing Writ Petition No. 2863/2009, before the Hon'ble High Court of Judicature Bombay, Nagpur Bench, Nagpur. However, the Hon'ble High Court by order dated 25-11-2009 have been pleased to dismiss the Writ Petition holding that, "In view of the circumstances, I am not inclined to interfere in the matter in writ jurisdiction. It is open to the petitioner to challenge the *ad verse* order after final adjudication by the CGIT."

9. In order to prove the charges levelled against the workman, the Party No.1 has examined two witnesses, namely, Dr. N.V. Chavan and Shri Vishwas Bansi Gaikwad. In rebuttal, the workman has examined himself as a witness. It will not be out of place to mention here that the witness, Dr. N.V. Chavan was examined and cross-examined prior to the order passed on the validity of the departmental inquiry and the examination-in-chief of witness, Shri Vishwas B. Gaikwad on affidavit was also filed prior to the passing of such order. It is also necessary to mention here that such evidence was adduced by the Party No. 1 before the passing of the order on the validity of the departmental enquiry, as by order dated 31-01-2002, the Tribunal passed orders for deciding all issues together. Hence, the evidence of the two witnesses examined on behalf of the Party No. 1 is to be taken into consideration to find out if Party No. 1 has been able to prove the charges leveled against the workman or not. It is also necessary to mention here that Party No.1 had also filed the evidence of one Mr. M. L. Durle, but he expired before his cross-examination.

10. At the time of argument, it was submitted by the learned advocate for the workman that the departmental

enquiry has already been held to be illegal by order dated 27-11-2008 and in this case, the written statement filed on behalf of the Party No.1 has not been signed by the Party No.1 and the same has been signed by the advocate and as such, it is to be held that there is no valid written statement on behalf of the Party No. 1. It was further submitted by the learned advocate for the workman that the discharge of the workman from services amounts to retrenchment and as the mandatory provisions of Section 25- F of the Act were not complied with, such retrenchment is illegal and on that ground alone, the workman is entitled to reinstatement in service with full back wages. It was also submitted by the learned advocate for the workman that Party No.1 has virtually not adduced any evidence to prove the charges against the workman, before the Tribunal Party No.1 even failed to produce the original papers and documents of the departmental enquiry before this Tribunal and secondary evidence was not adduced in accordance with law and as such, such evidence cannot be taken into consideration and as the original documents, i.e. the so called admission of the workman have not been produced and proved before the Tribunal, the contents of such documents cannot be read and treated as evidence and Party No. 1 has completely failed to prove the charges against the workman and the workman is entitled to be reinstated in service with continuity and full back wages.

In support of such contentions, the learned advocate for the workman placed reliance on the decision reported in Second Appeal No. 12/1998 (Deorao versus Tularam of Hon'ble High Court of Judicature of Bombay High Court, Nagpur Bench, 2006(6) Mh. L.J-571 (Ramdas B. Chaudhary versus Ananta), 1990 II LLJ-70 (Punjab Land Devt. & Reclamation Corpn. Ltd. versus Presiding Officer, Labour Court, Chandigarh), Special Civil Application No. 781 of 1974 (Namdeo versus State Industrial Tribunal) of Hon'ble High Court of Judicature of Bombay, Nagpur Bench, 1967 Mh. L.J. 65 (Mr. D versus Mr. S) and (2009) 2 SCC -570 (Roop Singh Negi versus Punjab National Bank).

11. Per contra, it was submitted by the learned advocate for the Party No. 1 that the written statement filed by the Party No. 1 has been signed by the advocate for the Party No. 1 and as the advocate is authorized to sign the same, there is no force in the contention that there is no legal written statement on record. It was submitted by the learned advocate for the Party No.1 that the discharge of the workman from services? not be said to be retrenchment, as the punishment was imposed after holding of a departmental enquiry and therefore, there was no necessity to comply the provisions of Section 25-F of the Act and the evidence adduced by Party No.1 is sufficient to prove the charges leveled against the workman and strict rules of Evidence Act are not applicable to departmental enquiry or before the Tribunal. It was also submitted that from the evidence of the witnesses

examined by Party No.1 and the materials on record especially the documents Exhibit M-10 and Exhibit M-12, the admission of the workman, it can be safely concluded that the charges have been proved. The learned advocate or the Party No. 1 also submitted that in the alternative, the workman is not entitled to reinstatement in service in view of the fact that about 30 years have already been passed from the date of the discharge of the workman and he is also not entitled to back wages, as he is gainfully employed. The further contention raised by the learned advocate for the Party No.1 is that there was inordinate delay in raising the dispute and on that ground, the claim of the workman cannot be entertained.

The learned advocate for the Party No.1 has relied on the decisions reported in 1995 LLJ - 113 (Narang Latex versus S.V. Suvama), (1977) II SCC 191 (State of Haryana versus Rattan Singh), 1999 LLJ-1028 (Municipal Committee, Touru v/s Harpal Singh), 1997 (3) SCC-387 (Secretary to Govt. v/s ACJ, Britto), AIR 1988 SC 117 (Chandrama Tiwari vis Union of India), (1996) 5 SCC- 474 (State of T. N. v/s Thiru K. Perumal), (1998) I LW- 431 (Union of India v/s Shrivastav B.K) and AIR 1997 SC-3658 (Harinarayan Shrivastav v/s United Commercial Bank).

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions cited by the learned advocates for the parties, now, the present case at hand is to be considered.

12. For better appreciation of the matter and the evidence adduced by the parties, I think it necessary to mention the charges leveled against the workman in verbatim. The charges leveled against the workman are as follows :

(a) That you Mr. S.M. Chandak have demanded and collected from Shri Dwarkadas Murlidhar Agarwal of Bhavanvir a sum of Rs. 200 for settlement of his cattle claim.

(b) That you Mr. S. M. Chandak had demanded and collected a sum of Rs. 200 from Narayan M. Gaikwad a sum of Rs. 200/- as bribe for expeditious settlement of his claim.

(c). That you Mr. S.M. Chandak had demanded and collected a sum of Rs. 200 each as bribe from the following persons who are members of Shri Jagadamba Dugdh Vyavasai Sahakari Sanstha for quick settlement of the claims.

1. Narayan Chahai Gaikwad
2. Dwarkadas Murlidhar Agarwalla
3. Sampat Maroti Hazare
4. Altaf Hussain Nizar Hussain
5. Shafauddin Shahabuddin
6. Azgari Begam Shafauddiri
7. Shafaquat Hussain Nisar Hussain
8. Sheikh Rauf Sk. Hussain

9. Shammimuddin J. Abedin

(d). That you Mr. Chandak vide your letter dated 06-08-1981 have admitted in writing that you have taken a sum ranging from Rs. 100/- to Rs. 200/- from each of the following persons for filling up the claim forms from Vet. Doctors. However the Vet. Officer has advised us that he had not received the above referred amount

1. Mr. Hazare Bawangir
2. Mr. Shafaquat Hussain Nisar Hussain, Bawangir
3. Mr. Sk. Rauf. Sk. Hussain
4. Mr. N.C, Gaikwad, Bawangir
5. Mr. Dagdu Chingaji Sagola

(e) That you Mr. Chandak are in the habit of insuring the cattle contrary to the policy of the company. Further you have not tagged a single animal of the lot financed by Bank of India, Sonia, and that during the payment of claims you have submitted false particulars to enable you to obtain money from various clients by following the above *modus operandi*. For this purpose you have even prepared rubber stamps reading as under :

- (1) L. S. S. Bawangir
- (2) Police Patil Sonala
- (3) Police Patil, Bawangir
- (4) Police Patil, Sagola
- (5) Dr. R. S. Satav, Sangrampur

To enable you to derive unfair advantage from settlements of claims.

As you are aware the above referred acts of commission/omission are serious misconducts in terms of General Insurance (Conduct, Discipline and Appeal) Rules, 1975 mainly under article 4 Sub Clauses 1, 2, 5, 6, 9, 16, 20 and 21.

13. The first submission made by learned advocate for the Party No.1 is that this is a very belated claim and as such, the same cannot be entertained. However, on perusal of the record, it is found from the letter of reference that the Central Government had declined to refer the dispute for adjudication at first and for that the workman had filed Writ Petition No. 282/1986, before the Hon'ble High Court of Bombay and as per the directions of the Hon'ble High Court in the said Writ Petition, the reference was made by the Central Govt. for adjudication. Hence, it cannot be said that the claim is a belated claim.

14. The learned advocate for the workman submitted that as the written statement was not signed by any officer of Party No.1 and the same was signed by the advocate himself, the same cannot be treated as a valid written statement. Admittedly, the written statement filed by the Party No. 1 was signed by the advocate. However, for only on that ground, it cannot be said that there is no valid written statement from the side of the Party No. 1. The advocate for the parties are authorized to sign the

pleadings on behalf of the parties. It is also found that the amended written statement filed by the management is duly signed by the officer of Party No.1. Hence, I find no force in the contention raised by the learned advocate for the workman.

15. The next contention raised by the learned advocate for the workman is that the discharge of the workman from services amounts to retrenchment and as the mandatory provisions of Section 25-F of the Act were not complied with, prior to such retrenchment, the retrenchment is illegal and on that ground, the workman is entitled for reinstatement in service and all back wages. However, I find no force in the said contention, as because, according to the definition of retrenchment as provided under Section 2(oo) of the Act, "retrenchment" means the termination by the employer of the service of a workman for any reason what so ever, otherwise than as a punishment inflicted by way of disciplinary action. Admittedly, in this case, the termination of the service of the workman was passed as a punishment by way of disciplinary action. Hence, the discharge of the workman from services cannot be said to be retrenchment.

16. In this case, the charges leveled against the workman are regarding taking of bribe from some persons for quick settlements of their claims and also for making payment to the Veterinary doctors for filling up the claim forms from the said doctors. Management has not examined any of the complainants or the persons from whom the workman was alleged to have taken the bribe. The Party No.1 has also not produced the original documents of the enquiry proceedings including Exhibit 12 and 16 as marked in the departmental proceedings, said to be the admission of the workman of his guilt. Though photo copies of the said documents have been filed, the same were also not proved as per law.

So far the oral evidence adduced from the side of the Party No.1 is concerned, the evidence of witness, Vishwas Gaikwad is in regard to gainful employment of the workman and not in regard to the charges leveled against the workman. The remaining evidence adduced on behalf of the Party No. 1 is that of Dr. N. V. Chavan. Though Dr. N. V. Chavan in his examination-in-Chief, which is on affidavit has reiterated the facts mentioned in the written statement, he has admitted in his cross-examination that neither he had the authority to appoint or terminate the workman and he had not submitted the charge sheet against the workman. He has further, admitted that the workman was not sub-ordinate to him and he was directed orally by the manager to enquire in to the matter and to submit his report and after enquiry he had submitted his report, but such report has not been filed in this case.

In absence of the original documents and any supporting evidence, it cannot be held from the oral evidence of Dr. N.V. Chavan that Party No.1 has been able

to prove the charges against the workman. Admittedly, strict rules of Evidence Act are not applicable to a departmental proceeding or a proceeding before the Tribunal. However, it is also well settled that the charges leveled against the workman must be proved by fair play and natural justice.

Applying the principles enunciated by the Hon 'ble Apex Court in the judgment reported in (2009) 2 SSC 570 (Supra) to the present case at hand, I find that Party No.1 has not been able to prove the charges leveled against the workman.

In view of the failure of the Party No.1 to prove the charges against the workman, I do not think it necessary to discuss the evidence of the workman.

17. So far the question of the income of the workman and his employment is concerned, witness, Vishwas Gaikwad has stated that the workman has fanded properties and he has also invested large sum of money in different companies and he is earning about 4 to 5 lakhs per annum. However, no document has been filed by the Party No.1 to show that the workman was gainfully employed and about his income. Hence, no reliance can be placed on the oral evidence of Shri Vishwas.

18. The question that remains for consideration is as to what relief or relief the workman is entitled. As It is held that the Party No. 1 has failed to prove the charges against the workman, the order of discharge from services imposed by the Party No.1 against the workman cannot be sustained and as such, the same is quashed and set aside. The workman is entitled for reinstatement in service with continuity and all consequential benefits including promotion as permissible. So far the back wages is concerned, taking into consideration all the facts and circumstances of the case, I think that interest of justice will be met, if the workman is granted 50% of the back wages. Hence, the workman is entitled to get 50% of the back wages. It is ordered :

ORDER

The action of the management of New India Assurance Company Ltd. Nagpur in terminating the services of Shri Subhashchandra Mohanlal Chandak, Junior Inspector w.e.f. 27-12-1982 is illegal and unjustified. The order of termination of the services of the workman dated 27-12-1982 is quashed and set aside. The workman is entitled for reinstatement in service with continuity and all consequential benefits including promotions as permissible. The workman is entitled to get 50% of the back wages from the date of termination of his services till his reinstatement. The New India Assurance Company Ltd, Nagpur is directed to give effect to the award within one month of the date of publication of the award in the official gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स वरूण स्टैंडर्ड कम्पनी लिमिटेड, सलेम, के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 84/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-2012 को प्राप्त हुआ था।

[सं. एल-27011/02/2007-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th February, 2012

S.O. 1165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.84/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Burn Standard Co. Ltd., (salem) and their workmen, which was received by the Central Government on 24-02-2012.

[No. L-27011/02/2007-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI**

Monday the 6th February, 2012

PRESENT : A. N. JANARDANAN, Presiding Officer**INDUSTRIAL DISPUTE No. 84/2007**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Burn Standard Co. Ltd. and their Workmen)

BETWEEN

The General Secretary : 1 st Party/Petitioner
Salem Mavatta Magnesite
Pattali Thozhis Sangam
Arabic College Building,
Vellakkalpatti Post
Salem-636012

Vs.

The General Manager : 2nd Party/Respondent
Burn Standard Co. Ltd.
Post Bag No. 565

Salem-636005

APPEARANCE:

| | |
|--|---------------------------------------|
| For the 1st Party/ Petitioner Union | : M/s. G. Purushothaman, Advocates |
| For the 2nd Party/ Management | : Sri M.R. Raghavan, Advocate |

AWARD

The Central Government, Ministry of Labour and Employment *vide* its Order No. L-27011/2/2007-IR(M) 3-12-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the management of Burn Standard Co. Ltd. is legal and justified in refuting the Salem Mavatta Pattali Thozhir Sangam in wage negotiations? Whether the demand of wage revision raised by Salem Mavatta Pattali Thozhi Sangam is legal and justified? If so, to what relief is the workmen entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 84/2007 and issued notices to both sides. Initially Respondent appeared but thereafter kept himself absent eventually leading him to be called absent and set ex-parte. Petitioner though served with notice twice did not appear and was also set ex-parte.

3. Though the Respondent was called upon to file a memo of objection that also was not complied with. Afterwards as per Award dated 29-2-2008 my learned predecessor held that in the absence of either party to prove their respective contentions no award can be passed. On challenge of the said order before the Hon'ble High Court of Madras by way of Writ Petition No. 15289/2010, in allowing the same the impugned award was set aside remanding the dispute back to this Tribunal for a fresh disposal on merits as per order dated 9-8-2010 from the Hon'ble High Court.

4. On receipt of records and a copy of the order both parties entered appearance pursuant to notice and filed their Claim and Counter Statement as the case may be.

5. Claim Statement averments bereft of unnecessary details are as follows:

The claim espoused by the Petitioner Union is regarding revision of wages of the workers w.e.f. 1-12-2006. The Union placed the revision of wage structure and other related demands of the workers by its Charter of Demands dated 21-11-2006. The wage revision settlement till then in vogue entered between the Management and the Unions on 16-7-2003 comes to an end on 30-11-2006 and there was an immediate need to revise and arrive at a new settlement for which the Management was requested to consider each and every demand of the workers and to settle the same through discussions as early as possible.

A Memorandum of Settlement was arrived at under Section-18(1) of the ID Act regarding demand for bonus and annual production incentive and ex-gratia and recoverable advance for the accounting year 2005-2006 on 14-10-2006 with the Petitioner Union also as one of the signatories. The Management by its letter dated 2-7-2007 to the Regional Labour Commissioner (Chennai) reiterated that "As regards to sick units registered with BIFR, until BIFR approves revival plan such enterprises in which provisions have been made for additional expenditure on account of pay revision, no revision of pay would be allowed to the workers of such enterprises". It was also requested to the Regional Labour Commissioner to defer the conciliation meeting scheduled to 4-7-2007 for one or other reasons which accordingly was posted to 30-7-2007. Management by letter dated 16-8-2007 again requested the Conciliation Officer to close the file and close all further proceedings without any legal basis. Conciliation was again posted on 3-9-2007 on which day by a letter the Union explained the entire facts and requested before the conciliation for a settlement. But the Management having not come forward failure of conciliation was recorded and reported to the Ministry of Labour and Employment. Accordingly the reference is occasioned. The same happened to be closed by the Tribunal stating the Tribunal has no other go except to declare that no award can be passed in this dispute since both parties have not appeared to establish their respective contentions and remained ex-parte. The copy of the award not having been available and one had to be made known after a representation under the Right to Information Act and on being aggrieved by the award preferring a WP 15289/2010 before the Hon'ble High Court of Madras the matter was remanded back to this Tribunal. The Management has no legal and justifiable reasons to refute wage negotiation since in all the prior wage negotiations Petitioner Union had been a signatory and active participant to arrive at amicable settlement. The demand for wage revision is legal and justified since the earlier one dated 16-7-2003 expired on 30-11-2006. There was acute need for the revision for a further period of 4 years from 1-12-2006 to 30-11-2010. Hence the demands are to be meted out. Hence the claim.

6. Counter Statement allegations necessary for consideration, are as follows:

The Management is a Government of India Undertaking under the Ministry of Heavy Industries. It is a multi-product and multi-unit company having two other units at Howrah and Burnpur with Head Office at Kolkata. The administrative control has now been transferred to Ministry of Steel w.e.f. 15-9-2001 as per order dated 15-9-2010 of Director, Department of Heavy Industries. The Management is a sick unit. It has been referred to Board for Industrial and Financial Reconstruction (BIFR) during 1994 and is pending as Case No. 508/1994. The ID has to be appreciated in the said background. There are

about 321 workers in the Management represented by various Unions viz. (i) Magnesite National Labour Union (INTUC) (ii) Magnesite Workers's Union (AITUC) (iii) Salem District Magnesite Labour Union (CITU) (iv) Magnesite Workers's Progressive Union (DMK) (v) Salem District Magnesite Anna Thozhilalar Sangam (AIADMK) (vi) Burn Standard Company Ltd. SC/ST Employees Trade Union ((vii) Salem District SC & ST Magnesite Employees Trade Union. All the Unions are recognized and can take up various labour issues on behalf of the entire workmen. The above Unions having the support of almost 100% of the workforce joined together and submitted a common Charter of Demands for wage revision, which was taken on file of Regional Labour Commissioner (Central), Chennai and conciliation proceedings have been initiated. Accordingly joint meetings were held on various dates last of which was on 7-7-2010. While so the dispute was raised which is under reference. The First Party Union does not have the representative character of the workmen. It is doubtful whether any of the employee is a member of it. So the dispute is not maintainable and it is to be dismissed in-limni. It is not true that Petitioner Union was refuted by the Management in wage revisions, which have not commenced for want of approval by the Management. The approval has to be given by the Government. If an award is passed granting the relief to the Petitioner Union it may cause disturbance in industrial peace and harmony now prevalent in the Management consequently leading to loss of industrial production having a bearing upon the industrial harmony. It cannot be given effect to such an award since it will not have acceptance by the workers. Management is still under the reference of BIFR being a sick unit under the provisions of Sick Industrial Companies Act. The official memorandum dated 11-2-2004 of the Government of India stipulates as follows:

Thus for Companies under BIFR reference wage revision can be referred only after preparation of the rehabilitation package which is to be finalized and approved by BIFR. Petitioner Union is also a party to the proceedings before BIFR which is to the awareness of the Union. The next hearing is posted to 1-2-2011. Finalization of the rehabilitation package still under process by Government/BIFR and hence no wage revision can be offered. Therefore claim for wage revision is illegal and unjustified. Dispute raised is not bonafide and is with ulterior motive of gaining popularity. Dispute raised is not valid in law and the same is to be dismissed.

7. Points for consideration are :

- (i) Whether the refuting of wage negotiation of Salem Mavatta Pattali Thozhi Sangam by the Management of Burn Standard Co. Ltd. is legal and justified?
- (ii) Whether the demand for wage revision is legal

and justified?

(iii) To what relief the Petitioner Union is entitled?

8. The evidence consists of the testimony of WW1 and EX. W1 to EX. W15 on the petitioner's side and the testimony of MW1 and EX. M 1 to Ex. M 10 on the Respondent's side.

Points (i), (ii) and (iii)

9. Heard Petitioner's counsel and perused the pleadings, evidence, documents and written arguments on behalf of the Respondent. Both sides advanced the arguments in terms of their case in their respective pleadings. On behalf of the Petitioner Union a contention is canvassed that its locus-standi to raise disputes on behalf of its members is recognized by the Management and that the dispute is maintainable though the stand of the Management is to the contra. In the evidence MW1 has virtually admitted the locus-standi of the Petitioner Union to espouse the cause of the members of the Union. The Petitioner Union seeks for a direction to the Respondent/Management to call all the Unions representing the various sections of workers to decide the wage revision issue within a period of 3-6 months. Its case is that there is a dire need for wage revision for which a new settlement has to be arrived at through discussions as early as possible since the wage revision settlement now in vogue ended by 30-11-2006 and thereafter there has been no wage revision.

10. The stand of the Management is that the Respondent institution is a sick unit now referred to BIFR and pending as Case No. 508/94. It has also a case that the Petitioner Union does not have the representative character of the workmen and therefore the dispute has to be dismissed in limine. It further denies refuting of wage negotiation of the Petitioner Union. Wage revisions have not commenced for want of approval from Government. If relief granted it may disrupt industrial harmony. An award if given will have no acceptance by the workers. Only after preparation of the rehabilitation package to be finalized by BIFR wage revision can be referred. Petitioner Union is a party to the proceedings before BIFR. Dispute raised is not bonafide but is with ulterior motive of gaining popularity.

11. Reliance was placed by the Respondent to the decision of the Hon'ble High Court of Madras in MURUGAN TRANSPORT VS. ITS WORKERS AND ANOTHER (1961-1-LJ-349) wherein it held "Allowing the writ petition, held that, in the absence of any evidence or proof to show that the general body of the Union authorized its secretary or any of its other office bearers to make the demand on behalf of the eight dismissed employees on the management, the reference under S. 10 of Industrial Disputes Act must be held to be invalid. In the circumstances of the instant case, it must be held that there was no evidence to show that there was an industrial

dispute" and in MANAGEMENT OF SRI SHAKTI TEXTILES LTD, POLLACHI AND ANOTHER VS. THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS-104 AND FIVE OTHERS in which High Court of Madras by common order dated 16.04.2008 in writ Petition Nos. 10 850 of 1997 and 1430 of 1999 held as follows "In the present case, the issue is entirely different and the representative capacity of the union is questioned. The second respondent union failed to prove the same. Therefore, it is not a fit case where a reference under Section-10(1) can be maintained by a Union which had not proved its representative capacity so as to continue to maintain the dispute".

12. The above rulings do not have application to the facts of the present case in as much as it is evident from the pleadings as well as from the testimony of the Respondent witness that the Petitioner Union has been representing in allied matters and therefore that question no longer remains an axe to grind to deny the representative character of the Petitioner Union in negotiations or discussions with the Management. Therefore if and when there has been any refuting of wage negotiation of the Petitioner Union by the Management the same is not legal and justified.

13. The next question is whether the demand for wage revision is legal and justified. The only embargo projected by the Management against wage revision is that it is under the BIFR, the Management is a sick unit and in that background the dispute has to be appreciated. Seven other Unions submitted a common charter of demands for wage revision which while was at conciliation stage from time to time the present dispute was raised. For wage revisions approval of the Government is not obtained. Again if an award is passed as per the demand of the Petitioner Union it will not find acceptance by all the workers. Further for the wage revision a rehabilitation package is to be prepared and finalized and got approved by BIFR in the proceedings before which also Petitioner Union is a party. The finalization of the rehabilitation package is under process by Government/BIFR.

14. As could be culled out from the above facts and materials the demand for wage revision could be found to be only just and legal. The uncontroverted fact is that there has not been any wage revision since the wage revision settlement ended by 30-11-2006 indicating the dire need for a revision. Despite the fact that the Management is a sick unit and is under BIFR reference as Case No. 508/1994 the process of preparation of the rehabilitation package which is to be finalized and approved by BIFR has already been commenced by Government/BIFR as admitted. It also indicates that there has to be a wage revision but the question is when that process can be started. It has to be commenced and concluded in an accelerated momentum especially in view of the fact that there has not been a wage revision after the one ended by 30-11-2006, which is against the vested right of the workers for periodical wage

revision under the Bipartite Settlements. If the absence of a rehabilitation package duly prepared by the Government/ BIFR of which the process has already been commenced and is to be followed by finalization and approval, the said process or the series of processes have to be got seen to be complied with in a pattern of quick succession and in an accelerated momentum so that the question of wage revision or negotiation can be mooted with the Management to serve the purpose without the same being put off indefinitely to any remote time. When such a course is adopted, needless to say, it is for the Management to call for the participation of all the recognized/registered Unions who are entitled to participation including the Petitioner Union, whose locus-standi, though denied in the pleadings, but has been approved at the evidence stage in clear terms nullifying that it has no locus-standi. If in anticipation of the approval of the finalized rehabilitation package, now under process, a negotiation could be started in advance, so that by the time the package finds its approval for being implemented the Management may even now commence the process of wage revision calling all the concerned Unions since the wage revision has been a long pending phenomenon from the point of view of the workers as well as in law and facts. Therefore, I hold as follows:

“Refuting of wage revision of the Petitioner Union by the Management, if true is not legal and justified. The demand for wage revision is legal and justified. The petitioner union is entitled to the relief in terms thereof”.

15. If by now the Respondent institution has got changed its name to any other name as has been made to appear before me the Management by that name shall be deemed to have been substituted for the present named Management in this ID which was pending in which the Management with the old name is the Respondent.

16. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day of the 6th February, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : WW 1. Sri M.P. Sadasivam

For the 2nd Party/Management : MW 1. Sri S. Sridharan

Documents Marked :

On the petitioner's side

| Ex. No. | Date | Description |
|---------|------------|---|
| Ex.W1 | 14-10-2006 | Memorandum of 18(1) Settlement |
| Ex.W2 | 21-11-2006 | Charter of Demands by Petitioner's Union |
| Ex.W3 | 28-07-2007 | Reply by Respondent addressed to Conciliation Officer |
| Ex.W4 | 31-07-2007 | Notice from Liquidation Officer |

| | | |
|--------|------------|---|
| Ex.W5 | 16-08-2007 | Letter of Respondent addressed to Conciliation Officer |
| Ex.W6 | 01-09-2007 | Letter of Respondent to Petitioner |
| Ex.W7 | 03-09-2007 | Letter of Petitioner addressed to Conciliation Officer |
| Ex.W8 | 03-09-2007 | Minutes of Conciliation Proceedings |
| Ex.W9 | 03-09-2007 | Report on failure of conciliation' |
| Ex.W10 | 03-12-2007 | Reference by Government of India |
| Ex.W11 | 10-02-2010 | Letter of Government of India with award passed in ID No. 84/2007 |
| Ex.W12 | 04-06-2010 | Summary record of proceedings of BIFR |
| Ex.W13 | 09-07-2010 | Affidavit and Petition in WP 15289/2010 |
| Ex.W14 | 03-08-2010 | Counter Affidavit in WP No. 15289/2010 |
| Ex.W15 | 09-08-2010 | Order passed in WP 15289/2010 |

On the Management's side

| Ex. No. | Date | Description |
|---------|------------|--|
| Ex.M1 | 14-01-1999 | Office Memorandum |
| Ex.M2 | 11-02-2004 | Office Memorandum |
| Ex.M3 | 21-11-2004 | Communication from 1st Party to 2nd Party |
| Ex.M4 | 28-06-2007 | Communication from 2nd Party to Regional Labour Commissioner |
| Ex.M5 | 11-07-2007 | Government to 2nd Party |
| Ex.M6 | 17-06-2010 | Notice of conciliation |
| Ex.M7 | 17-06-2010 | Notice of conciliation |
| Ex.M8 | 03-12-2010 | Notice of conciliation |
| Ex.M9 | 03-12-2010 | Notice of conciliation |
| Ex.M10 | 10-11-2010 | Communication from 2nd Party to 1st Party. |

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सतना स्टीन एंड लाईम कंपनी लिमिटेड कोलकाता के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 34, 35, 36, 37, 38, 39, 40/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-2012 को प्राप्त हुआ था।

[सं. एल-29012/61, 62, 63, 64, 65, 66 एवं 67/2007-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th February, 2012

S.O. 1166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Nos. 34, 35, 36, 37, 38, 39, 40/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Satna Stone Lime Co. Ltd (Kolkata) and their workmen, which was received by the Central Government on 24-02-2012.

[No. L-29012/61, 62, 63, 64, 65, 66 & 67/2007-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Presiding Officer : Shri Mohd Shakir Hasani

**Case No. CGIT/LC/R/34/08, 35/08, 36/08, 37/08, 38/
08, 39/08 & 40/08**

The Ram Saroj Kushwaha,
General Secretary,
AITUC Distt. Parishad,
AITUC Office, Sidharth Nagar,
Post Birla Vikas,
Distt. Satna (MP)

Workman/Union

Versus

The Managing Director,
Satna Stone Lime Co. Ltd.,
6, Middle Road, Hasting,
Kolkata

Management

AWARD

Passed on this 1st day of February 2012

1. (a) The Government of India, Ministry of Labour vide its Notification No.L-29012(61)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Shri Ramavli chammaar S/o Shri Parag Chammaar and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(b) The Government of India, Ministry of Labour vide its Notification No.L-29012(62)/2007-IR(M) dated 25-2-2008 has referred the following dispute for

adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Shri Kallu Kori, S/o Shri Matadin Kori and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(c) The Government of India, Ministry of Labour vide its Notification No.L-29012(63)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-200 to 17-8-2000 to Shri Chunka Chammaar, S/o Shri Baldev Chammaar and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(d) The Government of India, Ministry of Labour vide its Notification No.L-29012(64)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Shri Chunavdav Chammaar, S/o Shri Vandhdhari Chammaar and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(e) The Government of India, Ministry of Labour vide its Notification No.L-29012(65)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Shri Kaushal Kori, S/o Shri Ramani Kori and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(f) The Government of India, Ministry of Labour vide its Notification No.L-29012(66)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Smt. Kailsua Kolin W/o Shri Hinchlal Kaul and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

(g) The Government of India, Ministry of Labour vide its Notification No.L-29012(67)/2007-IR(M) dated 25-2-2008 has referred the following dispute for adjudication by this tribunal:—

“Whether the lock-out of Satna Stone & Lime Company Ltd., Siding, Madhya Pradesh w.e.f. 17-8-2000 was legal or not?”

“Whether the action of Satna Stone & Lime Company Ltd., Siding, Satna MP in not paying wages w.e.f. 1-5-2000 to 17-8-2000 to Shri Ramviswas Chamaar S/o Shri Ramdayal chamaar and bonus and retrenchment compensation for the period 1999 to 2001 is just and legal? If not, to what relief the workman is entitled to?”

2. All the seven reference cases are taken up together as all are on a common subject matter and on similar point of issues.

3. The Union/workmen in all the cases has not appeared inspite of registered notices issued to the Union. This shows that inspite of proper notice, the Union does not want to raise the dispute with the management and the Union has now no dispute. The management has also not appeared in the case. As such this is a case of no dispute. Accordingly the reference is passed.

4. In the result, the no dispute award passed without any order to costs.

5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या 26/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/20/2008-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th February, 2012

S.O. 1167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award (Ref. No.26/2008) of the Central Government industrial tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which received by the Central Government on 13-02-2012.

[No. L-12012/20/2008-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday the 8th February, 2012

PRESENT : A. N. JANARDANAN

Presiding Officer

INDUSTRIAL DISPUTE No. 26/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their Workman)

Between

Sri R. Thangarajan : 1st Party/Petitioner

And

The General Manager : 2nd Party/Respondent
Indian Bank
4, Bharathi Road,
AVR Tower
Cuddalore-607001

Appearance :

For the 1st Party/ : Sri S. Vijayakumar,
Petitioner Advocate

For the 2nd Party/ : M/s T. S. Gopalar & Co.,
Management Advocate

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/20/2008-1 R (B-1 I) dated 15-5-2008 referred the following Industrial Dispute to this Tribunal for adjudication. The schedule mentioned in that order is:—

“Whether the action of the management of Indian Bank in inflicting the punishment of Compulsory Retirement upon Sri R. Thangarajan is legal and justified? If not, to what relief the workman is entitled to?”

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 26/2008 and issued notices

to both sides. Both sides entered appearance through their Advocates and filed their Claim and Counter Statements as the case may be.

3. The contentions raised in the Claim Statement briefly read as follows:

Petitioner/Messenger of Senthithope Branch under the Respondent Management stood charge sheeted on 18-8-2004 allegedly of having taken bribe. It was on a complaint by Sethuramanujam, the petitioner was alleged of having had affixed the seal "for Indian Bank Manager" in a No Due Certificate forging Manager's signature after taking money and that he had abetted it in October, 2001. The petitioner denied the allegations in his reply. Acceptance of bribe of Rs. 100 is false. Bank had paid Rs. 100 as incidental expenses. The bribe has nowhere been mentioned by the complainant. In the enquiry the complainant was not examined though was requested for by the Petitioner. Complainant was an overdue borrower. Due to non-examination of the complainant the complaint is baseless. Management failed to prove the charges. Petitioner was forced to furnish admission statement under threat of being thrown out of job at once if not admitted and further making him believe of closing the charge sheet in the event of admission. Petitioner is illiterate without good education. The enquiry is not proper. Enquiry Officer simply relied on the statement of bank official and petitioner's admission statement. Complainant is merely described to have not turned up prejudicing the petitioner, Enquiry Officer refrained from giving any ruling until the complainant-witness was produced taking on record the letter. Strangely he concluded the charges to have been proved to the misfortune of the petitioner. Enquiry Officer ignored the fatality for the Management in not producing the witness. There is no concrete proof. The punishment is against natural justice. Punishment is disproportionate to the gravity of the offence. Appeal was rejected without valid reasons. Enquiry is nothing but eyewash and farce. An award may be passed invoking Section-11A of the ID Act with reinstatement of the petitioner into service with all benefits and costs.

4. Counter Statement allegations briefly read as follows:

One Sethuramanujam apparently wanted to avail a Special Loan at lower rate of interest in the name of S. Arul Selvi, his daughter who is also wife of Chandrasekhar from Vallalar Gramin Bank, Senthithope Branch. Another loan in the name of Arul Selvi from the Respondent/Bank was outstanding in October 2001. hence no "No Due Certificate" would have been issued to her from the Respondent/Bank. Therefore giving a printed format he was asked to obtain "No Due Certificate" and other banks. On 13-10-2001 at about 0700 PM Sethuramanujam gave a printed format to the petitioner to get the No Due Certificate endorsement from the Sethithope Branch of the Respondent/Bank and

paid him Rs. 50. Sethuramanujam being aware of the possibility of not getting the certificate managed to get from primary agricultural bank from Veyyalur. On 15-10-2001 petitioner affixed the Respondent seal in the presence of his brother, Gopinathan. Petitioner un-authorizedly removed a debit voucher dated 4-10-2001 for Rs. 6,100 issued to one M/s Srinivasa Agencies wherein signature of the Branch Manager Sri S. Ravindran and showing to his brother got the latter's signature to be affixed as that of Manager, Sethithope Branch while at the adjacent tea shop and returned the same on 15-10-2001 to Sethu Ramanujam receiving a further sum of Rs. 50. The signature was informed to the petitioner as not genuine from the Vallalar Gramin Bank Branch on 19-10-2001. Branch Manager of Senthithope Branch of Respondent/Bank also made it clear that he has not signed the format. Petitioner while was in Mannadi Branch of Respondent/Bank fabricated bogus statement of his salary to show that his salary for December, 1989 was higher than actually what was drawn by him forging the signature of the Accountant, which he gave to one of his creditors. In disciplinary action he was warned. During investigation by Circle Office Manager he received complaint from Sethuramanujam and statement of petitioner admitting affixture of Bank Seal on the printed format given by Sethuramanujam and also of his brother to have been made to sign for the misdeeds. To the Show Cause Notice dated 23-2-2002 he did not give explanation. As per charge Sheet dated 18-8-2004 the enquiry was commenced and conducted from 20-7-2005. Investigating Officer and Branch Manager were examined and petitioner was examined on his side. Petitioner as well as admitting the misdeeds further gave a letter on 19-10-2001 stating that his brother signed as the Branch Manager and that because of threat from the Branch Manager to report to Police he admitted the misdeeds. By the enquiry report dated 12-5-2006 charges were held proved of which a copy was furnished to the petitioner for his comments and petitioner furnished his reply on 15-6-2006. On 18-9-2006 notice proposing punishments was issued and also to appear for personal hearing on 27-9-2006 but which was held on 6-10-2006. On 9-10-2006 punishment of Compulsory Retirement with superannuation benefits was imposed. Appeal filed by him was rejected. The punishment is justified. It is not disputed that petitioner had put the seal of the branch on the "No Due Certificate" and removed the debit voucher for perpetration of forgery. The arrival of his brother to the branch on 13-10-2001 is not disputed. The receipt of money is only for extraneous reason. Non-examination of Sethuramanujam is not prejudicial to the petitioner. Non-examination of Sethuramanujam would not advance his case. In any event there was no complaint. It is naive to content that Sethuramanujam was a complainant and he was not examined. Petitioner has proved to be unworthy of confidence for continued employment. The claim is to be rejected.

5. At the time of the enquiry the learned counsel for the petitioner argued that the enquiry held is not fair and proper and that the same has to be heard as a Preliminary Issue. The Respondent's counsel conceded to that stand and hence the matter is taken with regard to Preliminary Issue viz. Whether the domestic enquiry held against the petitioner is fair and proper.

6. Accordingly in answering the point with reference to the evidence adduced by way of testimony of WW 1 and Ex. W 1 to Ex. W7 on the petitioner's side and the testimony of MW 1 and Ex. M 1 to Ex.M20 on the respondent's side by order dated 4-3-2011 it was found as follows :

"There is violation of principles of natural justice in denying an opportunity to the petitioner to cross-examine Sethu Ramanujam to test the veracity of the allegations against him and therefore I hold that the enquiry to that extent is not fair and is to be held vitiated. So found".

7. Afterwards Respondent examined MW2 and marked Ex. M21.

8. Points for consideration are:

- (i) Whether the Compulsory Retirement of Sri R. Thangarajan is legal and justified?
- (ii) If not to what relief the concerned workman is entitled?

The evidence consists of the testimony of WW1 and Ex.W1 to Ex.W7 on the petitioner's side and the testimony of MW1 and MW2 and Ex.M1 to Ex.M 21 on the Respondent's side.

Points (i) & (ii)

9. Heard both sides. Perused the records, documents and evidence. The learned counsel on either side argued emphatically in support of their respective contentions with reference to the supportive documents and rulings. The prominent arguments on behalf of the petitioner include that once the enquiry is set aside the entire evidence in the domestic enquiry stands effaced. Thereafter only with the complainant examined, the material on record does not include that part of records, documents or evidence pertaining to the domestic enquiry so as to constitute the whole evidence forming fresh evidence constituted after the finding that the enquiry is vitiated. In other words the enquiry proceedings have to be ignored altogether. An enquiry held to be defective is no enquiry at all. There is no evidence to prove the charge of the petitioner having demanded bribe or for receipt of the same. Act of voluntarily giving Rs. 50 cannot be construed as an offence which was paid for bus expense as admitted. Concept of remand is alien to industrial jurisdiction. Section-11A of the IDAct was introduced by amendment with the object of seeing that there is complete adjudication. There is no partial vitiation of any enquiry. Section 11-A enables

re-appreciation of the entire evidence for which the evidence of the petitioner is not there before this Tribunal. In the domestic enquiry MW2 had not been examined. A decision is not to rest here on mere preponderance of probabilities. If at all there has been an act of over enthusiasm on the part of the petitioner, a sub-staff it would at best be an instance of negligence. He has rendered 29 years of unblemished service. He is to be reinstated. There is no consent accorded by the petitioner to look into the evidence adduced in the enquiry which is declared as set aside, after which the Respondent has not adduced the whole evidence but only adduced evidence by examining the complainant Sethuramanujam. The evidence in the vitiated enquiry cannot be looked into. Bribery is to be proved to the hilt. Preponderance of probability does not mean inference of guilt on surmises and conjectures. The complainant, MW2 is also a culprit. Loss of confidence has to be pleaded and proved.

10. The contra arguments on behalf of the Respondent are that though the bank is not affected the Society is affected with the misconduct of the workman in relation to the loan for milk animals which the petitioner misused. The purpose of the loan was for the betterment of the life of society men by augmenting income for which asset was intended to be created. Petitioner got the signature of the Indian Bank forged by removing the voucher signed by the Manager which felony the petitioner did admit as proved from Ex. M15 Investigation Report dated 28.10.2001. By the order on the Preliminary issue as to the fairness of the enquiry the other evidence in the domestic enquiry is not disturbed by the Tribunal. The direction was to supplement the evidence by examining complainant Sethuramanujam and (ii) not to supplant the evidence. It is the petitioner who arranged the bank's signature to be forged by Gopinath, his brother. Punishment of Compulsory Retirement with all benefits is less than proportionate to the gravity of the offence and the same is to be kept intact. Having regard to the nature of the transaction of bribery nobody demands bribe by any verbal expression. Why the petitioner figures over enthusiastic unless he is wrongfully benefitted? Enquiry to the extent that non-examination of complainant Sethuramanujam offends principles of natural justice and for that reason and to that extent alone enquiry is held vitiated and in all other respects the same holds good and the evidence adduced in the domestic enquiry coupled with the evidence let in by examining MW2, the complainant furnishes the whole of the evidence to be banked upon to determine the controversy. Once confidence is lost the workman cannot be reinstated. The petitioner is a sub-staff with the motivation to be corrupt.

11. Reliance was placed on behalf of the petitioner to the following decisions in :

— NEETA KAPLISH VS. PRESIDING OFFICER, LABOUR COURT AND ANOTHER (AIR-1999-

SCC-698) wherein the Apex Court held "The record pertaining to the domestic enquiry would not constitute "fresh evidence" as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute "material on record", within the meaning of Section 11-A as the enquiry proceedings, on being found to be bad, have to be ignored altogether".

- UNION OF INDIA AND OTHERS VS. GYAN CHAND CHATTAR (2009-12-SCC-78) wherein Apex Court held "Therefore, the 'charge of corruption must always be dealt with keeping in mind that it has both civil and criminal consequences. Such a serious charge of corruption requires to be proved to the hilt as it brings civil and criminal consequences upon the employee concerned. He would be liable to be prosecuted and would also be liable to suffer the severest penalty awardable in such cases".
- MANAGEMENT OF THANJAVUR TEXTILES LTD. VS. PRESIDING OFFICER (CDJ-1987-MHC-1146) Hon'ble High Court of Madras held "When the enquiry is set aside by the Industrial Tribunal or the Labour Court as violating the principles of natural justice, then it cannot be contended that the statements of witnesses recorded during departmental enquiry should have been considered by the Industrial Tribunal, because when the whole enquiry is set aside, a part of the proceedings cannot be looked into by the Industrial tribunal, to show that the charges were established".
- COMMISSIONER OF POLICE, DELHI AND OTHERS VS. JAIBHAGWAN (2011-6-SCC-376) the Apex Court held "Held, proof of demand and receiving illegal gratification cannot be drawn from returning of the amount-Further held, suspicion cannot take place of proof-Hence, respondent rightly reinstated by High Court but without back wages and with certain strictures against Respondent".
- WORKMAN OF MIS FIRESTORE TYRE AND RUBBER CO. OF INDIA LTD. VS. THE MANAGEMENT AND OTHERS ETC. (1973-1-SCC-813) the Apex Court held "Having held that the right of the employer to adduce evidence continues even under the new section, it is needless to state that, when such evidence is adduced for the first time, it is the tribunal which has to be satisfied on such evidence about the guilt or otherwise of the workman concerned. The law as laid down by this Court that under such circumstances, the issue about the merits of impugned order of dismissal or discharge is at large before the Tribunal and that it has to

decide for itself whether the misconduct alleged is proved, continues to have full effect. In such a case, as laid down by this Court, the exercise of managerial functions does not arise at air'.

12. On behalf of the Respondent reliance was placed on the decision of the High Court of Madras dated 6-10-1987 Writ Petition No. 471 of 82 wherein Justice Sathiadev (as he then was) held as follows" It is open to both sides to adduce further evidence as they may desire, and as far as Subramaniam is concerned, that part of the evidence recorded in chief will not form part of the records and he will have to be examined afresh".

13. On a careful consideration of the keen rival contentions on either side I am persuaded to hold that an enquiry can be set aside wholly or in part allowing the un-affected part remaining intact and referable together with the fresh evidence permitted to be adduced for undoing the deficiency. An enquiry set aside means no enquiry at all is applicable to an enquiry set aside in full and not to an enquiry which is not so set aside. The argument of the learned counsel for the petitioner that an enquiry cannot be set aside in part is not an acceptable proposition because the above referred decisions casually mention regarding setting aside of enquiry in part as well as in the whole which signifies that both the courses can be adopted. The decision relied on behalf of the Respondent also throws light to that fact. So much so I am of the considered view that the evidence in the domestic enquiry together with the fresh enquiry adduced on behalf of the Respondent by examining complainant MW2 is to be based for a finding as to whether or not the petitioner has been guilty of the misconduct charged against him and also as to whether the punishment imposed is disproportionate to the gravity of the offence which this Court at this stage can look into since the punishment imposed is one of termination of the petitioner from service by way of Compulsory Retirement but with no benefits actually enuring to him since the petitioner is not a pension optee though the compulsory retirement order is couched with the expression granting all benefits.

14. Now the present attempt is how far the cumulative effect of the entire set of evidence could command to prove or otherwise the misconduct charged against the petitioner. Though there is admission of the misconduct by the petitioner it is seen retracted by him saying that it was at the instance of instigation from the Management of his being pardoned and that it was also under threat of Police complaint being laid against him. To substantiate the offence of bribery against the petitioner the evidence cannot be found to be cogent. Version of MW2 on the aspect is that Rs. 50 each was paid as bus expense. There is no proof of demand for or payment of bribe in specific terms. The instance is also sought to be projected as one of over enthusiasm manifested by the petitioner somehow to help the petitioner to get the loan sanctioned to him. That could be due to intimacy or for extraneous consideration. As to

whether petitioner himself was the party for the removal of the voucher containing the signature of the Branch Manager and thereafter to get the signature of the Manager forged by the brother of the petitioner viz. Gopinath and petitioner himself contrived the fraud is not proved. It is also worthy of consideration as to whether for a meagre sum of Rs. 100 @ Rs. 50 each in a couple of instances was the petitioner doing corruption accepting bribe in the sundry sums for seeing that a loan is advanced to the petitioner is the only circumstance to warrant a finding that the petitioner as been guilty of bribe through practicing fraud by way of forgery. The retraction of confession of the petitioner is apt to be accepted because it cannot be totally overruled that one may not act in such a situation if he has to face some adverse situations in order to avert painful and injurious consequences. Different people react differently in a given situation or situations. Therefore independent of the admission the guilt has to be proved. It is not proved that he himself was responsible for the removal of the voucher containing the signature of the Branch Manager and for forging the signature of the Branch Manager through another person viz. one Gopinath admittedly brother of the petitioner. Mere surmises and conjectures cannot be basis for preponderance of probabilities. It is also worthy to note that there is a long mental gap between "may be true" and "must be true" in such a view of the matter there is no definite and clear proof against the petitioner to prove that he is guilty of the charges. This is a case of no evidence. Albeit there could be a needle of suspicion pointed towards the petitioner. However suspicion cannot take the place of proof. Therefore the finding that he is guilty of misconduct is set aside and he is ordered to be reinstated into service forthwith. On such reinstatement, if and when made he would not be paid any back wages or arrears of wages for the period during which he was out of service but will be entitled to continuity of service and all attendant benefits. Moreover, he shall be kept under observation.

15. Thus the reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th February, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1. Sri R. Thangarajan

For the 2nd Party/ Management : MW1. Sri V. Chandrasekaran
MW2, Sri R. Sethuramanujam

Documents Marked :

On the side of the Petitioner

| Ex. No. | Date | Description |
|---------|-----------|---------------------------------|
| Ex.W1 | 18-8-2004 | Charge Memo |
| Ex.W2 | 15-5-2006 | Letter enclosing enquiry report |
| Ex.W3 | 18-9-2006 | 2nd Show Cause Notice |

| | | |
|-------|------------|----------------------------------|
| EX.W4 | 13-9-2006 | Representation of the petitioner |
| Ex.W5 | 9-10-2006 | Order of Punishment |
| Ex.W6 | 20-11-2006 | Appeal |
| EX.W7 | 27-12-2006 | Rejection of Appeal |

On the side of the Management

| Ex.No | Date | Description |
|--------|--|---|
| Ex.M1 | 20.03.2002 | Show Cause Notice issued to petitioner |
| Ex.M2 | 26.04.2002 | Petitioner letter to Respondent requesting time for his explanation |
| Ex.M3 | 16.05.2002 | Respondent's reply to petitioner Allowing time upto 31.05.2002 |
| Ex.M4 | 18.07.2002 | Respondent's reminder to petitioner |
| Ex.M5 | 19.04.2005 20.07.2005 25.08.2005 23.09.2005 17.12.2005 10.01.2006 24.01.2006 | Enquiry Proceedings |
| Ex.M6 | 10.02.2006 | Presenting Officer's summing up |
| Ex.M7 | 25.02.2006 | Summing up of Defence Representative |
| Ex.MB | 19.10.2001 | Letter from the Manager, Senthithope Branch |
| Ex.M9 | 19.10.2001 | Letter of R. Sethuramanujam, an Account Holder and loanee of Sethithope Branch |
| Ex.M10 | 19.10.2001 | Letter from petitioner to Branch Manager, Senthithope |
| Ex.M11 | 19.10.2001 | Interrogation Report obtained from R. Sethuramanujam by Manager, Indian Bank, Circle Office, Cuddalore |
| Ex.M12 | 19.10.2001 | Interrogation Report obtained from R. R. Thangarajan (Petitioner) by Manager, Indian Bank, Circle Office, Cuddalore |
| Ex.M13 | 04.10.2001 | Party Debit Advice pertaining OCC Account of M/s Srinivasan Agencies for Rs. 6,100 |
| Ex.M14 | 12.10.2001 | NOC of Vallalar Grama Bank, Sethithope, in respect of Mrs. Arulselvi |
| Ex.M15 | 20.10.2001 | Investigation Report of Manager, Indian Bank, Circle Office, Cuddalore |
| Ex.M16 | 23.10.2001 | HO Vallalar Grama Bank, Cuddalore letter addressed to |

Indian Bank, Circle Officer,
Cuddalore

Ex.M17 15.06.2006 Petitioner's letter to Disciplinary Authority- comments on Enquiry Officer's findings

Ex.M18 Reply of petitioner to the punishment proposed in Second Show Cause Notice

Ex.M19 20.03.1991 Memo of charge issued against the petitioner by the Respondent

Ex.M20 10.06.1992 Letter of Respondent imposing the punishment of "WARNING" to the Petitioner (for the charged leveled in Memo dated 20.03.1991)

Ex.M21 08.12.2005 Letter written by the petitioner himself and sent to the Branch Manager/Enquiry Officer by Registered Post.

नई दिल्ली, 27 फरवरी, 2012

का.आ. 1168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 15/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।

[सं. एल-12011/127/2005-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th February, 2012

S.O. 1168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National bank and their workmen, which was received by the Central Government on 27-02-2012.

[No. L-12011/127/2005-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 15 of 2006

PARTIES : Employers in relation to the management of Punjab National Bank

And

Their workmen,

Present : Mr. Justice Manik Mohan Sarkar Presiding Officer

APPEARANCE :

On behalf of the : Mr. P. C. Gochhayat, Manager of the

Management Bank,

On behalf of the : Mr. R. Chattopadhyay, Treasurer of the Workmen Bank Employees' Federation (WB) with Mr. A. Mitra, Secretary of the Punjab National Bank Shramik Union.

State : West Bengal. Industry : Banking

Dated : 14th February, 2012

AWARD

By order No. L-12011/127/2005-IR (B-II) dated 20-4-2006 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this tribunal for adjudication :—

“Whether Mr. Chandrasekhar Mondal. Temporary Peon, worked at ‘Heritage’ Extension Counter of Park Circus Branch of Punjab National Bank has completed 240 days of work in a period 12 months? If so, whether his termination w.e.f. 19-7-2004 amounted to retrenchment and violative of Section 25-F of ID Act? Whether Mr. Mondal is entitled for reinstatement and regularization in the Bank as peon or not? If not, to what relief he is entitled?”

2. When the case is called today, Mr. P.C. Gochhayat, authorized representative of the management Bank is present and has filed one affidavit-in-chief in respect of one Mr. P. K. Bera who is also personally present. None is present from the side of the workmen.

3. It is found from the record that the authorized representative of the workmen union lastly appeared before this Tribunal on 16-12-2010 and there after 7 dates were given in the present reference and this is the 8th date. In the meantime, the management produced one fresh witness earlier as MW-01, but as the management failed to comply with the specific direction in the present reference, the statement of the said witness was expunged from the record and today the management has come with a witness by filing an affidavit-in-chief. Through the endorsement in the affidavit-in chief it is found that Mr. Anupam Mitra, who is stated to be the Secretary of the workmen union in Reference record and also as one of the authorized representative of the union, received copy of the affidavit-in-chief today and according to Mr. Gochhayat authorized representative of the management he was served with the said copy in the office of the management Bank before coming to this Tribunal. Even then, none has appeared till now when the clock gives time at 1.50 P.M.

4. So, I have no other way, but to presume that the workmen union is not interested to proceed with the present matter, which is evident from the past conduct of the workmen union as well as on today and for that reason, I do not find any reason to pursue with this matter any more. So, let this reference be disposed of with a “No Dispute Award”.

A “No Dispute Award” is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer
Dated, Kolkata, the 14th February, 2012.

नई दिल्ली, 27 फरवरी, 2012

का. आ.1169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/184/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/301/1999-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th February, 2012

S.O.1169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.CGIT/NGP/184/2000) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 27-2-2012.

[No. L-12012/301/1999-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**BEFORE SHRI J.P.CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/ 184/2000 Date: 15-2-2012

Party No.1 : The Regional Manager,
Punjab National Bank, PNB House,
Kingsway, Nagpur.

Versus

Party No. 2 Shri H.K. Lahane, C/o. L.V. Dhawale,
Dhangad Mohalla, West High Court Road,
Deo Nagar, Po: Vivekanandnagar,
Nagpur-440015.

AWARD

(Dated: 15th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Punjab National Bank and their workman Shri H.K. Lahane, for adjudication, as per letter No.L-12012/301/99-IR (B-II) dated 25-5-2000, with the following schedule:-

"Whether the action of the management of the Regional Manager, Punjab National Bank, Kingsway,

Nagpur in dismissal from services to Shri Haridas Kishanji Lahane, Ex-clerk w.e.f. 11.11.96 is legal and justified ? If not, what relief the said workman is entitled and from what date ?"

On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, Shri Haridas Kishanji Lahane, ("the workman" in short) filed his statement of claim and the management of the Punjab National Bank ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that while he was working in Kingsway branch, as a Clerk, taking advantage of his position and with the intension to have pecuniary gain, opened OD Account No. 4961 with the PNB, Kingsway branch and also Savings Bank Account No. 22019 in Bank of Baroda, Sitabuldi branch and also opened Savings Bank Account No.7792, in the fictitious name of one R.P.Thakre with Allahabad Bank, Sakardhara Square, Nagpur and knowing fully well that he did not have sufficient credit balance in his old account, he issued 5 cheques amounting to Rs.60,582 for credit of the said amount, in his Savings Bank Account No. 22019 and 7792 and he received the said cheques as representative of PNB and discharged the same, with the result of fraudulent credit of the amount in his account No. 22019 and 7792 and the said amount was subsequently withdrawn by him and on 8-3-89, the then Asstt. Manager of PNB bank, Shri Menon lodged a report with Sadar Police Station, Nagpur against him for commission of the alleged offences, under sections 467, 468, 471 and 420 of IPC and a Police case was registered against him and on submission of charge charge by the Police, the same was registered as criminal case No. 209A/1989 and he faced his trial in the Court of JMFC, Court No. 6, Nagpur-and he was acquitted by the Court vide judgement dt. 23-12-93 and the state has challenged the judgement of acquittal before the Hon'ble High Court of judicature of Bombay, Nagpur Bench, Nagpur by filing criminal appeal No. 316/94 and the same is still subjudiced. The further case of the workman is that he had been put under suspension w.e.f. 2-3-89 and party no. 1 had issued a charge sheet dated 16-11-89 against him and after his acquittal in the criminal case, he was informed by the party no. 1 about its decision to proceed with the departmental enquiry against him w.e.f. 24-10-94 and accordingly, the enquiry was conducted and three witnesses were examined on behalf of the bank and two witnesses were examined on his behalf and on completion of the enquiry, the Inquiry Officer submitted his report and his acquittal in the criminal case completely bars the initiation of the departmental enquiry, as the substance of the allegations on which the criminal proceeding was instituted and the allegations in the charge sheet leading to the departmental enquiry were the same and the evidence led in the criminal court and so also in the departmental

enquiry was also equally same in qualitatively and in substance and the order of dismissal is illegal and he should have been discharged, in view of the provisions of Shastri Award and Bipartite Settlements and the conclusion of the Inquiry Officer are perverted and the punishment is bad in law and is grossly disproportionate to the alleged misconduct.

3. The party no. 1 in its written statement has pleaded that the acquittal of the workman was under the benefit of doubt and the enquiry was completed as per law and the same was kept pending on the request of the workman during the pendency of the trial of the criminal case and on completion of the criminal trial, the Disciplinary Authority decided to go ahead with the departmental enquiry and accordingly, the enquiry was completed and full opportunity had been given to the workman to defend himself in the departmental enquiry and the acquittal of the workman in the criminal trial did not bar to proceed with the departmental enquiry, in view of Para 19.3(c) of the Bipartite Settlement and considering the gravity of the misconduct, the management rightly decided to dismiss the workman from service and as such, the punishment cannot be said to be illegal and improper and the findings of the Inquiry Officer are not perverted and the workman admitted his guilt, vide his letter dt. 27-2-89 and taking into consideration the admission of the workman, the Inquiry Officer held him guilty of the misconduct and as such, the findings are legal and proper and the workman misappropriated public money, knowingly and intentionally and therefore the punishment of dismissal cannot be said to be disproportionate and on 12-12-94, during the course of the enquiry, the workman demanded certain documents and documents were supplied to him except the documents which were not available with the management or which were not relevant and a reply was also given to the workman by the management representative as per his reply dt. 30-12-94 and no prejudiced was caused to the workman for non-supply of the said documents and as such, the workman is not entitled for any relief.

4. As this is a case of dismissal of the workman from services, after holding a departmental enquiry, the validity of the departmental enquiry was taken as a preliminary issue for consideration and by order dated 25-5-2011, the enquiry was held to be proper, justified and by following the principles of natural justice.

5. At the time of argument, it was submitted by the learned advocate for the workman that the punishment of dismissal from service is illegal as for the same self occurrence a criminal case was registered against the workman and he was acquitted in the criminal case, as per judgment dated 23-12-1993 of the J.M.F.C. Court No. 6, Nagpur and the appeal filed by the state against the acquittal of the workman is pending before the Hon'ble High Court and in view of such acquittal of the workman, the initiation of departmental proceedings are illegal. It was also

submitted that there was delay in disposal of departmental proceeding and such delay has rendered the punitive order illegal, because it is well settled that unduly prolonged enquiry tantamount to violation of principles of natural justice and in this case, the proceedings suffer from serious jurisdictional error, as because, the charge sheet had been issued by the Chief Manager, Nagpur, whereas, the Regional Manager, Nagpur in his capacity of disciplinary authority has passed the order of punishment. It was also submitted that the findings of the enquiry officer are perverse and the punishment is bad in law and is grossly disproportionate to the alleged misconduct. The learned advocate for the workman also submitted about the insufficiency of evidence in the departmental proceeding to hold the workman guilty of the charges.

6. Per contra, it was submitted by the learned advocate for the party no. 1 that the charges levelled against the workman were admitted by him as per his confessional letter dated 27-2-1989, Ext. P/2 and the charges proved against the workman are very serious in nature and the workman, being an employee of the bank and dealing with public money, himself misappropriated the money and as such, the punishment of dismissal from services cannot be said to be disproportionate and the Hon'ble Apex Court in various decisions laid down that the Tribunal have very limited scope in replacing the punishment awarded by the management and it is the domain of the employer to decide the punishment.

In support of such contentions the learned advocate for the party no. 1 placed reliance on the decisions reported in 2010 I CLR 630 (Kulwantrai Goyal Vs. Disciplinary Authority Punjab and Sind Bank), 2006 II CLR 400 (Maharashtra State Seeds Corpn. Ltd. Vs. Hari Das) and AIR 2000 3129 SC (Janatha Bazar Vs. Secretary, Sahakari Nokarana Sangh).

7. Before delving into the merit of the matter, I think it proper to mention the settled principles regarding the power of a Tribunal in interfering with punishment awarded by the competent authority in departmental proceedings.

In a number of decisions, the Hon'ble Apex Court have held that :—

“The jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the Inquiry officer or competent authority where they are not arbitrary or utterly perverse. The power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of legislature or rules made under the proviso to Art. 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is

imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority. The adequacy of penalty unless it is malafide is certainly not a matter of the Tribunal to concern itself with. The Tribunal also cannot interfere with the penalty if the conclusion of the Inquiry officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter."

8. So far the contention raised by the learned advocate for the workman that in view of the acquittal of the workman in the criminal case, the party no. 1 was estopped from proceeding in the departmental proceeding is concerned, it is to be mentioned here that the said issue was already considered at the time of deciding the validity of departmental enquiry and it was held that such contention of having no force.

9. Perused the record including the documents of the departmental enquiry. This is not a case of no evidence against the workman. The enquiry officer has given his findings basing on the evidence on record of the departmental enquiry. He did not take into consideration any extraneous materials to arrive at the findings. Cogent reasons have been assigned by the enquiry officer in support of the findings. It is also found that the workman had admitted about commission of misconduct by him in his letter dated 28-2-1989. Hence, the findings of the enquiry officer cannot to be said to be perverse.

10. So far the contention raised by the learned advocate for the workman that there was jurisdictional error in this case, as the charge sheet was issued by the Chief Manager, but the order of punishment was passed by the Regional Manager is concerned, the same is only to be mentioned and rejected, as on perusal of the dismissal order, it is found that the same was passed by the disciplinary authority-cum-Chief Manager and not by any Regional Manager.

11. So far the delay in disposal of the departmental proceeding is concerned, it is found that there was no undue delay in disposal of the departmental proceedings against the workman and there is nothing on record to show that any prejudice was caused to the workman, due to delay in disposal of the departmental proceeding.

12. So far the question of punishment is concerned; it is found that serious misconducts have been proved against the workman in a properly held departmental enquiry. In this instant case, the workman has been found to be guilty of misappropriating the bank's funds. There is nothing wrong in the bank losing confidence or faith in such an employee and awarding punishment of dismissal. The workman was holding a position of trust, where honesty and integrity were in built requirements of functioning and therefore, the matter required to be dealt with firmly and not leniently. Hence, the punishment of dismissal from services of the workman cannot be said to be shockingly

disproportionate to the proved misconducts. Hence, it is ordered:

ORDER

The action of the management of the Regional Manager, Punjab National Bank, Kingsway, Nagpur in dismissal from services to Shri Haridas Kishanji Lahane, Ex-clerk w.e.f. 11-11-96 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 28 फरवरी, 2012

का. अ. 1170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधन के संबंध में निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डी के पंचाट (संदर्भ संख्या 3/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2012 को प्राप्त हुआ था।

[सं. एल-41012/108/2007-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 28th February, 2012

S.O. 1170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.3/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Southern Railway, and their workmen, received by the Central Government on 28-2-2012.

[No. L-41012/108/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 22nd February, 2012

Present: A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 3/2012

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Southern Railway and their Workman)

BETWEEN

Sri K.P. Thangaraj : Petitioner/1st Party

Vs.

The General Manager : Respondent/2nd Party
Southern Railway
Chennai-600 003

Appearance:

For the 1st Party/Petitioner: Sri S.Bakthavatsalam,
Authorised, Representative

For the 2nd Party/Management : Ex-parte

AWARD

The Central Government, Ministry of Labour vide its Order No. L-41 012/108/2007 -IR (B-I) dated 20-12-2011 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of Southern Railway, Chennai in terminating the services of Sri K. P. Thangaraj w. e. f. 11-9-1998 is legal and justified ? To what relief the workman is entitled ?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 3/2012 and issued notices to both sides. Petitioner entered appearance through Authorized Representative. Respondent though was duly served with notice did not appear in spite of several adjournments given, numbering to five. Eventually Respondent has been called absent and set ex-parte.

3. Petitioner filed Claim Statement contending as follows:

Petitioner belonging to ST community was recruited as Khalasi on 13-12-1983 in Carriage and Wagon Works, Perambur, Chennai. For his alleged absence during the period from 29-4-1996 to 10-5-1996 and 13-5-1996 to 26-9-1996, he was issued a Show Cause Memo by Assistant Works Manager instead of by the General Manager, the appointing authority. The periods were covered by Medical Certificates issued by an eminent doctor for his having undergone treatment. Petitioner was certified fit by the Railway Medical Authorities and he resumed duty on 27-9-1996. He being a resident beyond 2.5 kms. from the workshop premises could avail the medical facilities from a private doctor, which had not been adversely commented by the Railway Medical Authority. His period of sickness was regularized as leave in terms of Rule 52(2) of Railway Code. A belated and ex-parte enquiry was conducted against him by a lower authority as Enquiry Officer. Petitioner denied the allegations and requested to supply copy of preliminary statement of witnesses, if any and to arrange attendance of the Respondent witnesses before 3 days of the enquiry which was not done. Copy of article of charge or statements of witness, order of appointing presenting officer as per Rule-10 of DAR Rules, 1960 were not furnished or permitted to be perused. The petitioner was not permitted to have a defence helper. Without a press notification for the appearance of the petitioner with undue haste adopted unfair labour practice under 5th Schedule of Rule-25(T) of the ID Act. The Enquiry Officer failed to examine prosecution witnesses nor allowed to

cross-examine them. Petitioner was not allowed to furnish list of defence witness. Enquiry authority did not submit the records of the enquiry or written brief of the Presenting Officer indicating that the enquiry is not fair and proper. Enquiry by lower authority, non-gazetted officer is contrary to Railway Board orders dated 26-3-1977. The enquiry was behind the back of the petitioner. The enquiry is vitiated in that absent periods, regularized as leave due earlier cannot be misconduct. No Presenting Officer was nominated for the enquiry. Investigating Officer was not a witness. Prosecuting witness were not examined at the initial stage. Findings are based on surmises and conjectures. There was no application of mind on the medical certificate submitted by the petitioner. Disciplinary Authority failed to forward the records of enquiry to the Appointing Authority, the General Manager as major penalty is not within the competency of the Carriage Workshop Manager. The action is wholly unjustified, unlawful and unsustainable and is to be set aside. The lower authority was usurping the powers of the General Manager. Appellate Authority did not apply its mind, who gave a cryptic reply. Respondent has not taken permission under the competent authority under Section-25(N)/2 and 33/2/V of the ID Act. Petitioner is deemed to be in service from 11-9-1998, date of removal. He was not gainfully employed after removal. He is to be reinstated into service with all benefits including back wages.

4. There is no counter statement filed since the Respondent is ex-parte.

5. Points for consideration are:

- (i) Whether the termination from service of Sri K.P. Thangaraj is legal and justified ?
- (ii) To what relief the concerned workman is entitled?

6. Evidence consists of sworn testimony of the petitioner as WW1 in lieu of Chief Examination with no cross-examination.

Points (i) & (ii)

7. There is challenge against the termination of the petitioner, a Khalasi for his alleged absence during two intervals in the year 1996 in the wake of which he was allegedly terminated on 11-9-1998. The authority of the Assistant Manager as the Disciplinary Authority in the place of General Manager is assailed. His period of absence on the ground of being sick is sworn to have been regularized. The enquiry is called in question as being belated and ex-parte. The enquiry is also assailed as being not held fairly and properly. He alleges non-supply of statement of witnesses, copy of article of charge, appointing of presenting officer, etc., of not being allowed to have a defence helper, non-issue of press notification for his appearance and undue haste shown amount to unfair labour practice in the disciplinary action taken, allowing not to cross-examine witnesses, holding the enquiry behind

his back, vitiating of enquiry in which absent periods regularized as leave thus not amounting to misconduct, etc. Finding is assailed as being based on surmises and conjectures. The major penalty of termination by an incompetent authority is also challenged. He seeks the unjustified, unlawful, unsustainable action to be set aside. It is also pointed out that he was not gainfully employed after removal.

8. The above arguments on behalf of the petitioner do not stand controverted in the absence of the Respondent, which in spite of adjournments of the case for its appearance numbering to five did not choose to appear to defend or contest the claim of the petitioner. Therefore the option left to this Court is only to proceed ex-parte.

9. There has been challenge against the enquiry as well as the finding and punishment imposed on the petitioner including the manner of the enquiry, other procedural aspects and the incompetency of the Disciplinary and Punishing Authority. The allegation of unauthorized absence during the year 1996 is for two spells. There is allegation of violation of principles of natural justice and statutory rules. Inasmuch as the grounds urged by the petitioner by way of allegations against the holding of enquiry, the finding rendered and the punishment imposed do not stand chosen to be challenged by a cross-examination by the Respondent appearing for the purpose before this forum, though the evidence by way of affidavit in lieu of Chief-Examination bears a tendency of being only a self-serving document in favour of the petitioner, the same is only to be accepted as prima-facie sufficient evidence to primarily hold the case of the petitioner as being substantially established for a decision in his favour. A piece of evidence not with the attribute of being tested with the touchstone of cross-examination, though is not apt to own the quality of worthy evidence, the fact that despite notice to the Respondent, it was not opting to avail the opportunity of cross-examination, is enough to lead to the conclusion that the ex-parte evidence is not to be rendered in degree any quality short of that piece of evidence which stood well with the degree after having had a full-fledged cross-examination. The rules of evidence act and CPC are not strictly applicable to industrial adjudication. They are at best tools of guidance when there is challenge against the procedures. When after having given opportunity to the opposite side to take part in the proceeding in whatever manner, in which it deems appropriate for them to take part, yet when that opportunity having not been availed, such an opportunity is only to be regarded as being waived by the other side. So viewed, the evidence with ex-parte nature is only to be held as one with the required quality to uphold the contention. Ex-parte evidence is only to be maintained except in cases where it is inherently improbable or intrinsically infirm a version or versions that have been unfolded by way of such ex-parte

evidence. Hence, it is only to be held that petitioner has succeeded in proving that his termination from service is illegal, unjustified and unsustainable. Therefore, his termination from service is set aside. He is ordered to be reinstated into service forthwith with continuity of service and all attendant benefits including 25% back wages.

10. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd February, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri K.P. Thangaraj

For the 2nd Party/Management : None

Documents marked

On the side of the Petitioner

| Ex. No | Date | Description |
|--------|------|-------------|
| | Nil | |

On the side of the Management

| Ex. No | Date | Description |
|--------|------|-------------|
| | Nil | |

नई दिल्ली, 28 फरवरी, 2012

का.आ. 1171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 33/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/22/2008-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 28th February, 2012

S.O. 1171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, which was received by the Central Government on 28-2-2012.

[No. L-12012/22/2008-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

Present :

Shri J. Srivastava,

Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar**INDUSTRIAL DISPUTE CASE No. 33/2008****Date of Passing Award - 16th February, 2012****Between :**The Assistant General Manager,
State Bank of India, BhubaneswarMain Branch, Bhubaneswar,
Dist. Khurda (Orissa)

.....1st Party-Management

ANDTheir workmen Sri Shiba Prasad Sethy,
Qrs. No. VR-5/1, Kharvela Nagar, Unit-3
Bhubaneswar. (Orissa)

.....2nd Party-Workman

APPEARANCES:Shri Alok Das,For the 1st Party-
Authorized Representative ManagementNone.For the 2nd Party-
Workman**AWARD**

An industrial dispute existing between the employers in relation to the management of State Bank of India and their workmen has been referred to this Tribunal/Court by the Government of India in the Ministry of Labour in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-12012/22/2008-IR(B-I), dated 2-6-2008 to the following effect :-

Whether the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Sri Shiba Prasad Sethy w.e.f 30-9-2004, is fair legal and justified? To what relief is the workman concerned entitled ?

The 2nd Party-Workman has filed his statement of claim alleging that he had joined his services as a Messenger on temporary/casual/daily wage basis from April, 1989 after succeeding in interview. He was assured to get permanent appointment order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory

service and putting in more than 240 days' work in each year he was not regularized, instead terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He therefore brought the matter in to the notice of the C.G. M. and C.D.O. of the State Bank of India, L.H.O., Bhubaneswar. But on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 21-2-2005. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government and the Government made the present reference. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived inasmuch as the 2nd Party-workman had already raised a similar dispute along with 124 other workers through the State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Asst. Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 59 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asst. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he had joined the Bank in April, 1989 and was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. In order to give an opportunity for permanent absorption

to the ex-temporary employees/daily wagers in the Bank in view of the various settlements entered into between the All India State Bank of India Staff Federation and the Management of the State Bank of India all eligible persons were called for interview. The 2nd Party-workman was also called for an interview along with other eligible persons in the year 1993. As he was not found successful in the said interview he could not be absorbed in the Bank's service. The Union or the 2nd Party-workman has never challenged the implementation of the settlement which has now gained finality. It is further submitted that some of the wait-listed candidates, Who could not be absorbed in the Bank's service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15-5-1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. This order of the Hon'ble High Court was also upheld by the Hon'ble Supreme Court of India in S.L.P. No. CC-3082/1999. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Sri Sethi were terminated much prior to the year 1997 his claim has become stale by raising the dispute after lapse of a period of 10 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 10 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed :-

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before this Tribunal on the same issue is legal and justified ?
2. Whether the workman has worked for more than 240 days as enumerated under Section 25-F of the Industrial Disputes Act ?
3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Siba Prasad Sethi with effect from 30-9-2004 is legal and justified ?
4. To what relief is the workman concerned entitled ?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings at the stage of evidence by absenting himself or his Union representative.
6. The 1st Party-Management has adduced the oral evidence of Shri Abhay Kumar Das as M.W.-I and filed documents marked as Ext.-A to Ext.-J in refutation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE NO. 1

7. A specific plea has been raised by the 1st Party-Management that a group of 125 employees including the 2nd Party-workman had already raised a similar dispute in I.D. Case No. 7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below for comparison with the dispute in the present case -

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified ? If not, what relief the workmen are entitled to ?

8. The name of the 2nd Party-workman appears at Sl. No. 59 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered in one or the other way and the relief claimed is with regard to re-employment. But challenge has been made more specifically against the termination of service of the 2nd party-workman in the present case while in I. D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested at the alter of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and the 1st Party-Management.

ISSUE NO. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed from April, 1989 and worked till 10-9-2004 on temporary/casual/daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The

1st Party-Management, on the other hand, has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M.W. -1 Shri Abhay Kumar Das in his statement before the Court has stated that "the disputant was working intermittently for few days in our branch on daily wage basis in exigencies He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination". He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that "In-fact the workman left the Branch from working since November, 1989". Thus he had not worked after 1989. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during a period of 12 calendar months preceding the date of his so-called termination. Thus he is not entitled to get benefit of Section 25-F of the Industrial Disputes Act, 1947. This issue is hereby decided against 2nd Party-workman for failing to prove that he had worked for 240 days continuously during a period of 12 calendar months preceding the date his engagement or alleged termination from service.

ISSUE NO. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during a period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment even in case of his alleged illegal and arbitrary termination. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter, of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd, Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the service of Sri Shiba Prasad Sethy with effect from the alleged date of his termination is fair, legal and justified. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE NO. 4

11. In view of the findings recorded above under Issues no. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 फरवरी, 2012

का. आ. 1172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 35/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/24/2008-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 28th February, 2012

S.O. 1172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.35/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India, and their workmen, received by the Central Government on 28-2-2012.

[No. L-12012/24/2008-IR (B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present :

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 35/2008

Date of Passing Award - 20th February, 2012

Between :

The Assistant General Manager,
State Bank of India, Bhubaneswar
Main Branch, Bhubaneswar,
Dist. Khurda (Orissa)

... 1st Party-Management

And

Their workmen Sri Gagan Bihari Pattanayak,
Qrs. No. VR-5/1, Kharvela Nagar, Unit-3
Bhubaneswar. (Orissa)

... 2nd Party-Workman

APPEARANCES:

Shri Alok Das, ... For the 1st Party-
Authorized Representative Management

None. ... For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of labour has referred the present dispute existing between the employers in relation to the management of State Bank of India Bhubaneswar and their workmen under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act vide their letter No. L-12012/24/2008 -IR(B-I), dated 2-6-2008 to this tribunal for adjudication to the following effect :-

Whether the action of the management of State Bank of India, in relation to their Main Branch, Bhubaneswar in terminating the services of Sri Gagan Bihari Pattanayak w.e.f. 30-9-2004, is fair legal and justified ? To what relief is the workman concerned entitled ?

2. The 2nd Party-Workman has titled his statement of claim alleging that he had joined his services as a Messenger on temporary/casual/daily wage basis in June, 1990 after succeeding in interview. He was assured to get permanent appointment order after one year or on completion of 240 days' work in a calendar year, but despite completion of several years of continuous satisfactory service and putting in more than 240 days' work in each year he was not regularized, instead terminated and refused employment from 30-9-2004 by the 1st Party-Management without any written communication or payment of compensation. The 1st Party-Management in refusing employment to him violated all principles of natural justice and mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947. He therefore brought the matter in to the notice of the C.G. M. and C.D.O. of the State Bank of India, L.H.O., Bhubaneswar. But on hearing nothing, he raised an industrial dispute before the Regional Labour Commissioner (Central) vide his letter dated 21-2-2005. Conciliation proceedings were started, but they failed and thereupon a failure report was submitted to the Government and the Government made the present reference. He is thus entitled to get full back wages and reinstatement with continuity of service with effect from 30-9-2004.

3. The 1st Party-Management in its reply through written statement has stated that the present dispute is misleading and misconceived in as much as the 2nd Party-

workman had already raised a similar dispute along with 124 other workers through the State Bank of India Temporary 4th Grade Employees Union before the Assistant Labour Commissioner (Central), Bhubaneswar challenging their alleged termination of service by the 1st Party-Management. In the said dispute the failure report was sent by the Assistant Labour Commissioner (Central), Bhubaneswar to the Ministry of Labour who in turn referred the matter to this Tribunal for adjudication and the same is pending before this Tribunal being I.D. Case No. 7/2007. The name of the 2nd Party-workman is appearing at Sl. No. 24 in Annexure-A to the said reference. Thus, raising a common dispute for same cause of action and again raising individual dispute for same relief is nothing but an abuse of the process of law and amounts to multiplicity of litigation. The Asst. Labour Commissioner (Central) while conciliating the individual disputes disregarded the direction of the Deputy Chief Labour Commissioner (Central) not to take any further action on the separate disputes raised by the same workers for the same cause of action. The allegation of the 2nd Party-workman that he was discontinued from service on 30-9-2004 and was signing bogus vouchers is not correct. He was engaged intermittently on temporary/daily wage basis due to exigencies of work. It is denied that he had joined the Bank in June, 1990 and was performing the duty, which is regular and perennial in nature. It is further denied that he was performing his duties with all sincerity and honesty and to the best of satisfaction of the Authority. The 2nd Party-workman has never completed several years of continuous service in the Bank nor he has completed 240 days of continuous service in any calendar year preceding the date of his alleged termination. In order to give an opportunity for permanent absorption to the ex-temporary employees/daily wagers in the Bank in view of the various settlements entered into between the All India State Bank of India Staff Federation and the Management of the State Bank of India all eligible persons were called for interview. The 2nd Party-workman was also called for an interview along with other eligible persons in the year 1993. As he was not found successful in the said interview he could not be absorbed in the Bank's service. The Union or the 2nd Party-workman has never challenged the implementation of the settlement which has now gained finality. It is further submitted that some of the wait-listed candidates, who could not be absorbed in the Bank's service due to expiry of the panel on 31st March, 1997 filed Writ Petitions before the Hon'ble High Court of Orissa. But the Hon'ble High Court of Orissa by a common order dated 15-5-1998 passed in O.J.C. No. 2787/1997 dismissed a batch of Writ Petitions and upheld the action of the Management of the Bank. This order of the Hon'ble High Court was also upheld by the Hon'ble Supreme Court of India in S.L.P. No. CC-3082/1999. Hence the above matter has attained finality and cannot be re-agitated. Since the services of Sri Pattanayak were terminated in June, 1992 his

claim has become stale by raising the dispute after lapse of a period of 13 years. It is a settled principle of law that delay destroys the right to remedy. Thus raising the present dispute after 13 years of alleged termination is liable to be rejected.

4. On the pleadings of the parties following issues were framed :-

ISSUES

1. Whether the present reference of the individual workman during the pendency of the I.D. Case No. 7/2007 before this Tribunal on the same issue is legal and justified ?
2. Whether the workman has worked for more than 240 days as enumerated under Section 25-F of the Industrial Disputes Act ?
3. Whether the action of the Management of State Bank of India, Main Branch, Bhubaneswar in terminating the services of Shri Gagan Pattanayak with effect from 30-9-2004 is legal and justified ?
4. To what relief is the workman concerned entitled ?
5. The 2nd Party-workman despite giving sufficient opportunity did not produce any evidence either oral or documentary in support of his claim and willingly kept himself out of the proceedings at the stage of evidence by absenting himself or his Union representative.

6. The 1st Party-Management has adduced the oral evidence of Shri Abhay Kumar Das as M.W.-I and filed documents marked as Ext.-A to Ext.-J in refutation of the claim of the 2nd Party-workman.

FINDINGS

ISSUE NO.1

7. A specific plea has been raised by the 1st Party-Management that a group of 125 employees including the 2nd Party-workman had already raised a similar dispute in I.D. Case No.7/2007 before this Tribunal for the same relief which is pending for adjudication. The dispute as referred to in I.D. Case No. 7/2007 is given below for comparison with the dispute in the present case -

Whether the action of the Management of State Bank of India, Orissa Circle, Bhubaneswar in not considering the case of 125 workmen whose details are in Annexure-A for re-employment as per Section 25(H) of Industrial Disputes Act, 1947 is legal and justified ? If not, what relief the workmen are entitled to ?

8. The name of the 2nd Party-workman appears at Sl. No. 24 in Annexure-A to the above reference. In both the cases the matter of disengagement or so called retrenchment is involved to be considered in one or the other way and the relief claimed is with regard to re-employment. But-challenge has been made more

specifically against the termination of service of the 2nd party-workman in the present case while in I. D. Case No. 7/2007 prayer has been made with regard to consideration of the case of 125 workmen for re-employment as per Section 25-H of the Industrial Disputes Act, 1947. In fact, in the latter case the workmen have submitted or virtually surrendered to their cessation of employment or alleged termination, whereas in the present case they have challenged their termination on facts and law. Virtually in the present case validity and legality of the alleged termination has to be tested at the alter of facts and legal propositions. Therefore it cannot be said that issues involved in both the cases are same. This case can proceed despite pendency of I.D. Case No. 7/2007 and the present reference by the individual workman pending for adjudication is maintainable being legal and justified. This issue is therefore decided in the affirmative and the 1st Party-Management.

ISSUE NO. 2

9. The onus to prove that the 2nd Party-workman has completed one year or 240 days of continuous service during a period of 12 calendar months preceding the date of his alleged termination or disengagement from service lies on him, but the 2nd Party-workman has not adduced any evidence either oral or documentary in support of his contention. He has only alleged in his statement of claim that he was appointed from June, 1990 and worked till 30-9-2004 on temporary/casual/daily wage basis, but he has not filed any certificate or reliable document showing the break-up of year-wise service rendered by him under the 1st Party-Management during the above period. The 1st Party-Management, on the other hand, has alleged that the 2nd Party-workman was engaged intermittently on temporary/daily wage basis due to exigencies of work and he had never completed 240 days continuous service in a calendar year. M.W. -I Shri Abhay Kumar Das in his statement before the Court has stated that "the disputant was working intermittently for few days in our branch on daily wage basis in exigencies He had not completed 240 days of continuous and uninterrupted service preceding the alleged date of the termination". He has denied the allegation that the workman was discontinued with effect from 30-9-2004, but stated that "In-fact the workman left the Branch from working since March, 1991". Thus he had not worked after 1991. The 2nd Party-workman has to disprove the evidence led by the 1st Party-Management, but he has not come before the Court to give evidence. A temporary or daily wage worker has no right to claim reinstatement and particularly when such an employee had not worked for 240 days continuously during a period of 12 calendar months preceding the date of his so-called termination. Thus he is not entitled to get benefit of Section 25-F of the Industrial Disputes Act, 1947. This issue is hereby decided against 2nd Party-workman for failing to prove that he had worked for 240

days continuously during a period of 12 calendar months preceding the date his engagement or alleged termination from service.

ISSUE No. 3

10. Since the 2nd Party-workman could not prove that he had rendered 240 days continuous service under the 1st Party-Management during a period of 12 calendar months preceding the date of his disengagement or alleged termination, he is not entitled for re-employment even in case of his alleged illegal and arbitrary termination. Moreover, he was a temporary/casual/daily wage employee. His services can be terminated at any time without assigning any cause by the 1st Party-Management. He has no legal right to be retained in service for the extended period, if he was appointed for a certain period or when no time is specified. The 2nd Party-workman has not filed any letter of appointment or proof of having rendered service under the 1st Party-Management for a specified period against a regular post. The 1st Party-Management has further alleged that in time of exigencies only the 2nd Party-workman was employed. It means that with the end of exigencies his job also came to an end. In view of the matter the action of the management of State Bank of India, Main Branch, Bhubaneswar in terminating the service of Sri Gagan Bihari Pattanayak with effect from the alleged date of his termination is fair, legal and justified. This issue is accordingly decided in the affirmative and against the 2nd Party-workman.

ISSUE No. 4

11. In view of the findings recorded above under Issues No. 2 and 3 the 2nd Party-workman is not entitled to any relief whatsoever claimed.

12. Reference is answered accordingly.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 फरवरी, 2012

का.आ.1173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी कोशमोश को-ऑपरेटिव बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/रम न्यायालय, पुणे के पंचाट (संदर्भ संख्या 5/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2012 को प्राप्त हुआ था।

[सं. एल-12012/305/2003-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 28th February, 2012

S.O.1173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2004)

of the Industrial Tribunal-cum-Labour Court, Pune (Maharashtra) as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Cosmos Co-op. Bank Ltd., and their workman, received by the Central Government on 28-2-2012.

No. L-12012/305/2003-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL AT PUNE

Reference (I. T.) No. 5/2004

The Chairman/Managing Director,

The Cosmos Coop. Bank Limited,

269/270, Shaniwar Peth,

Pune - 411 030

-- First Party

V/s.

Shri Pramod D. Butkar,

721, Shukrawar Peth, Satbhai Wada,

Pune - 411 002

-- Second Party

CORAM: M.G. Choudhary, Presiding Officer,

Appearances: Shri J. B. Shahgram, Adv. for First Party.

Shri Tapasvi, Adv. for Second Party

ORAL AWARD

(Date :- 17-2-2012)

The Central Government through Ministry of Labour in exercise of powers conferred u/s. 10 (1)(d) read with Sec. 2(A) of the Industrial Disputes Act referred the industrial dispute between the above named parties mentioned in the schedule to the Reference Order dt. 20-2-2004 which reads as under,

"Whether the action of the management of the Cosmos Cooperative Bank Limited, (Multi state Schedule Bank) in dismissing Shri Pramod Butkar from the services of the Bank w.e.f. 22-4-2003 on the alleged charges of misconduct vide charge sheet dated 5-7-2002 is legal and justified? If not, to what relief the concerned person is entitled to?"

2. In response to the notice issued the Second Party workman appeared and filed his Statement of Claim in which it is inter alia contended that he was in the employment of the First Party working as a Clerk and the First Party gave him charge sheet alleging false charges and thereafter illegal enquiry was held. According to the Second party, the enquiry officer drawn perverse findings and on that basis the First Party dismissed him from service by Order dt. 22-4-2003. Thus, to challenge the dismissal, legality and propriety of the order passed by the First Party under the provisions of Standing Order, the Second Party workman invoke the provisions of Industrial Disputes Act by raising an industrial dispute as referred above.

3. The First Party in the written statement at Exh. C-12 denied the claim of the Second Party workman by inter alia contending that The Cosmos Cooperative Bank Limited is registered under the Multi State Cooperative Societies Act, having branches in number of states in India. As per the recent ratio laid down by the Hon'ble Supreme Court of India in the case of BHARAT COOPERATIVE BANK (MUMBAI) LIMITED V/S. COOPERATIVE BANK EMPLOYEES UNION reported in 2007(3) Bom. C.R. PAGE-673 in which it is held that, "Cooperative Bank more than one state the provisions of Industrial Disputes Act are applicable however the State Government is appropriate Government under the provisions of Industrial Disputes Act and not the Central Government". Thus, according to the First Party the present Reference referred by the Commissioner of Labour, Central Government is not tenable and maintainable. According to the First Party, the present Reference itself is bad in law. The First Party has denied that action against the Second Party is illegal and wrongful as alleged.

4. The First Party vide application Exh. C-25 contended that in the light of ratio laid down by the Hon'ble Bombay High Court in Writ Petition No. 171/2008 on 21-3-2011, this Reference is not tenable and maintainable and requested to dispose of the Reference.

5. The Second Party in his written say objected the application on the grounds that according to the Second Party the said objection was not raised during the conciliation and the court has framed the issues and the First Party is prolonging the matter.

6. The following issues arise for my determination,

1. Whether the present Reference is maintainable on the point of jurisdiction of this Tribunal?

2. What Award?

7. My findings to above issues for the reasons recorded below are as under -

1. No

2. Reference stands rejected as not maintainable.

REASONS

8. I have heard the argument of Advocate for both the parties at length and both of them have submitted their case as per material on record. In addition to that Advocate for First Party in support of his argument relied on the Judgment of Hon'ble Bombay High Court in Writ Petition No. 171/2008. uncertified copy of Judgment dt. 11-3-2008 is produced on record between THE COSMOS COOPERATIVE BANK LIMITED. V/S. THE GENERAL FEDERATION MAHARSHTRA STATE BANK EMPLOYEES FEDERATION in which Hon'ble Bombay High Court has observed as under,

"In so far as the question as to whether the appropriate Government in relation to the Co-operative Banks carrying on business in more than one state, is the Central Government or the State Government, that is no more res integra. The Apex Court in the case of Bharat Bank's case (supra) has analysed the relevant provisions of the concerned enactment to conclude that the appropriate Government in relation to a Multi State Cooperative Bank carrying on business in more than one State, would be the concerned State Government."

9. Admittedly, the present Reference is referred by the Central Government and relying on the ratio laid down in the aforesaid case law, I hold that appropriate Government in relation to the First Party is the State Government and not the Central Government as such, present Reference is not maintainable and this Tribunal has no jurisdiction to entertain the same, hence, I answer the above issue accordingly.

10. In view of my findings on above Issue, I pass the following Award.

AWARD

1. Reference (I.T.) No. 5/2004 stands rejected as not maintainable.

2. No order as to costs.

3. Copies of this Award be sent to the appropriate Government for necessary action.

M.G. CHOUDHARY, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का. आ. 1174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 187/2001 को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था)

[सं. एल-22012/124/1998-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 187/2001) of the Central Govt. Industrial Tribunal-cum-Labour Court, Bhubaneshwar as shown in the Annexure, in the industrial dispute between the management of MCL and their workmen, received by the Central Government on 29-02-2012.

[No. L-22012/124/1998-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR****Present:**

Shri J. Srivastaya,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 187/2001**Date of as Passing : Award -17th February~ 2012****Between:**

1. The Chief General Manager,
Kalinga Area of MCL, Po. Balanda,
Dist. Angul.
2. The Chief General Manager,
Jagannath Area of MCL, P.O. Balanda,
Dist. Angul.

1st Party—Managements.

(And)

The General Secretary, Orissa Collieries
Mazdoor Sangh, Po. Balanda, Dist. Angul.

2nd Party-Union.

Appearances:

M/s. N.K. Mishra &
Associates, Advocate.

For the 1st Party
Managements.

M/s. Sanjay Mishra &
Associates, Advocate.

For the 2nd Party
Union. :

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the management of Chief General Manager, MCL and their workmen in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-22012/124/98-IR (CM-II), dated 31.08.1998.

2. The dispute as referred to is quoted below:

Whether the demand of the Union for regularization of contract labour engaged in permanent and perennial nature of work (as per list) is justified? If so, what relief the workmen, concerned are entitled to?

3. The 2nd Party—Union in its statement of claim has stated that the contract labourers in respect of whom this dispute has been espoused by the Union are 190 in number whose names and addresses, existing placements, periods of employment and brief nature of jobs are shortly indicated in the list attached to the order of reference.

These contract labourers are employed by the officers of the M.C.L, but by a designed process, their names were lent, without fixity, to some so-called contractors who are all fleeting and dubious intermediaries. Yet, these labourers are engaged continuously for years, some of them for more than a decade past, all discharging permanent and perennial nature of work. The different nature of jobs in which these contract labourers are engaged constitute an integral part of the industry and are permanent and perennial being indispensable operations of the Mining Establishments of MCL. The labour supply contractors are in fact no contractors in reality, but are mere name-lenders and paper products to conceal reality. They just come and go as MCL desires and always without the knowledge of these labourers. The induction of these contractors are mere paper arrangements, rather manipulations to defraud law and justice. On dispersal or change of the contractors, the services of these contract labourers never come to an end either by discharge or by retrenchment and it is merely a take over of names of these labourers by succeeding contractors inducted by the employer i.e. MCL. The contractor has no physical appearance on work much less any control. From entry time to exit time of these so called contract labourers MCL exercises total authority on them. Their placement in work, provision of tools and implements for work, supply of safety devices and equipments, imparting them with safety training wherever required and the like are all the direct doings of MCL Officers and supervisors. Their names in most cases are borne in the statutory registers. They are paid their paltry wages inside the employer's premises by somebody at different times not known to them, but said to be the contractor who never recruited/employed them and exercised any sort of control and supervision on the work of these contractor workers and is seen once in a month at the time of such payment. This is all done with sinister designs for exploitation and amounts to a serious unfair labour practice. The Management of MCL has been paying wages even at rates less than the minimum wage rates notified by the Government of India despite doing the same and similar nature of work and has been discriminately treating them in matters of leave, holidays, safety equipments, over time wages, bonus medical facilities etc. These labourers are engaged in the production process, maintenance activities and all other incidental operations which form essential part of the total industrial activities. Having all the necessary qualifications and fitness as required of the regular departmental workers their whole time employment is extremely justified and there can be no justification to undermine them as contract labourers by mere inter-position of vague or name shake intermediaries styling those as contractors. In fact on completion of 240 days of continuous work each of the disputant workmen ought to have been made regular. But the Management of MCL has been showing them as contract labour. Therefore prayer has been made to

regularize them from the date, each of the disputant workmen completed one year of continuous service with, grant of differential wage benefits in terms of money and fixation of their inter-se seniority.

4. The 1st Party-Management have filed their joint written statement and stated that the terms of reference is vague and illegal. The list relating to permanent and perennial nature of work is beyond the scope and purview of the Industrial Disputes Act. The claim of regularization of contract labourer is untenable as the claim is not against any sanctioned/permanent vacancy. Mere work for some days under a contract does not entitle a contract labourer for regularization. The order of reference is not maintainable both on facts and law. The order of reference does not specify the names of concerned contract labourer sought to be regularized, the nature of work alleged to be permanent and perennial or the names of the contractor. Hence the reference is not only defective, bad and vague, but also not maintainable. The 2nd Party-Union has referred to the alleged list containing names of 190 persons sought to be regularized in paragraph-4 of the statement of claim. This list was submitted by the Orissa Colliery Mazdoor Sangh in this Tribunal and the same was kept in the file along with the order of reference dated 31-8-1998. It was neither the part of the order of reference nor was issued under the seal and signature of the Central Government.

5. The alleged dispute is with regard to regularization of contract labourer under the principal employer. The contract labourers are not workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 nor the alleged dispute is an "industrial dispute" within the meaning of Section 2(k) of the Industrial Disputes Act. Hence the reference at the instance of registered trade union in respect of non-workmen/non-employees is not maintainable. In the present reference two areas namely Jagannath Area and Kalinga Area of Talcher Coalfields are involved. The Jagannath Area comprises of Jagannath Colliery, Ananta Colliery and Balanada Colliery. The Kalinga Area comprises of Kalinga Open Cast Project and Bharatpur Open Cast Project. It is denied that the 2nd Party-Union is the largest single Trade Union operating in different collieries of MCL. The assertion regarding membership is incorrect. The Mahanadi Coalfields, Limited is a public sector undertaking engaged in production and sale of coal which is raw material to almost all the industries and power generating corporations. Being a public sector undertaking it engages contractors for carrying out the jobs which are of temporary nature and does not need a regular manpower.

6. In order to save public money and wastage of manpower the jobs which are temporary in nature are done through contractors after obtaining registration and license under the relevant Act. The allegations that the works

which are permanent and perennial in nature are done through engagement of contractors/contract labourers are incorrect. Under the Contract Labour (Regulation and Abolition) Act, 1970 provisions have been made for abolition of contract labour where the jobs are of perennial nature. The M.C.L. employs contractors where the jobs in question are of temporary and intermittent in nature.

7. The alleged list contains frivolous, concocted assertions regarding number of persons, names and addresses of existing placements, periods of employment and nature of job. The said list containing the names of 190 persons was neither issued along order of reference, nor was authenticated by the competent authority of the Central Government. The nature of various jobs said to be performed by the persons named in the list is neither permanent nor perennial. The period of employment of these workers given in the list is also false, incorrect and without any basis. The contract labourers are engaged in jobs which are of temporary or intermittent nature. MCL is a model employer and always carries out the provisions of the Act of 1970. No complaint has ever been made by the contract labourers. The allegation that contract labourers are selected and employed by the Officers of the MCL is absolutely false. The assertions regarding engagement of contract labourers in different works such as drilling, miscellaneous mining work etc. is incorrect and without any basis. It is also incorrect to state that said operations constitute an integral part of the industry and are permanent and perennial being indispensable operations of the Mining establishment of MCL. The contract labourers never work with the regular employees of MCL in any operations. They are engaged by the contractors to carry out the jobs under the supervision of contractors depending upon the requirement of works. The MCL only engages registered contractors having valid license issued by the licensing authorities under the Act of 1970. It is incorrect to say that the contractor has no physical presence and any control over the contract labourers. The assertions that the MCL, its officers and supervisors exercise control over the contract labourers from entry time to exit time with regard to the placement of works, provisions of tools and implements for work, supply of safety devices and equipments are denied. However safety devices are being issued to the contractors to ensure safety of the contract labourers. It is only safety training which is being imparted to the contract labourers. There being no underground mining operations in Jagannath Area and Kalinga Area the allegations in this regard smacks of malafide to harass a Public Sector Undertakings by involving them in frivolous cases. The contractors employ their own supervisors to supervise and control the work. Wages are paid to the contract labourers by the contractors periodically at places fixed for the same under the supervision of an executive from Management side just to ensure that proper wages as per rules are paid by

contractors to their workers. There is no employer and employee relationship between the contract labourers and MCL. There is no unfair labour practice and exploitation of contract labourer in MCL. The contract workers are not entitled for regularization merely on completion of 240 days of work. The list submitted by Orissa Colliery Mazdoor Sangh does not contain the names of contractors under whom the contract labourers have worked. In the absence of such material particulars it would not be possible to submit adequate reply. The agitating Union has no locus-standi to such frivolous claim. As such the statement of claim is devoid of merit and the claim, should be answered in the negative.

8. The 2nd Party-Union has controverted the allegations, made by the 1st Party-Management in their written statement and reiterated the facts already alleged in the statement of claim.

9. On the pleadings of the parties following issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the demand of the Union for regularization of contract labour engaged in permanent and perennial nature of work as per list is justified? If so, what relief the workmen concerned are entitled to?

10. The 2nd Party-Union has examined four witnesses namely W.W.-1, Shri Suresh Chandra Satpathy, W.W.-2 Shri Duryodhan. Pattnaik, W.W.-3 Shri Chanda Sekhar Panigrahi and W.W.-4 Sri Saubhagya Chandra Pradhan and proved documents marked as Ext.-1 to Ext.-21.

11. The 1st Party-Management have examined seven witnesses namely M.W.-1 Sri Bikram Behera, M.W.-2 Sri Prem Chandra Pandey, M. W.-3 Sri Trailokyanath Naik, M. W.-4 Sri Narayan Shandilya M.W.-5 Sri P.K. Sahu, M.W.-6 Sri Anirudha Pradhan and M.W.-7 Shri Y. Harkumar and filed a number of documents marked as Ext.-A to Ext.-M.

FINDINGS

ISSUE NO.1 and 2

12. The issue of maintainability of the reference is solely, based on facts. The contention of the 1st Party-Management is that admittedly the disputant workmen are contract labourers and they were engaged by the contractors for temporary and intermittent nature of work. There is no relationship of "employer and employee" between the, 1st Party-Management and the disputant workmen. Hence the reference is not maintainable in view of clause (k) and (s) of Section-2 of the Industrial Disputes Act. As I have already said that the issue of maintainability is solely based on facts, hence the decision of this issue

will rest with the proof or disproof of facts as alleged by the parties in their respective pleadings. Therefore in order to avoid repetition of facts and evidence it will be appropriate if both the above issues are decided together. I accordingly take up both the issues together.

13. So far as the case of the disputant workmen stands, as espoused by the 2 Party-Union, it has been stated that these contract labourers are being engaged continuously for years discharging permanent and perennial nature of work which constitutes an integral part of the industry. The labour supply contractors are infact no contractors in reality but are mere name lender and paper products to conceal the realty. The induction of these contractors are mere paper arrangements, rather manipulations to defraud law and justice. The contractors have no physical appearance on work much less any control. From entry time to exit time of these so-called contract labourers, M.C.L. exercises total authority on them in every respect. On dispersal or change of contractors the services of these contract labourers never come to an end either by discharge or by retrenchment and it is merely a take over of names of these labourers by succeeding contractors inducted by the employer i.e. the M.C.L. On the contrary, it has been alleged by the 1st Party-Management that the M.C.L. being a Public Sector Undertaking engages contractors to carry out the jobs which are of temporary or intermittent nature. The nature of various jobs said to be performed by the persons named in the list is neither permanent nor perennial. Under the Contract Labour (Regulation and Abolition) Act, 1970, provisions have been made for abolition of contract labourers, where jobs are of permanent or perennial nature. It is wrong to allege that the contract labourers are engaged in jobs which are not of temporary or intermittent nature. It is also wrong to allege that the said contract labourers are selected and employed by the officers of the M.C.L. The M.C.L. only engages registered contractors having valid license issued by the licensing authority under the aforesaid Act and such contract labourers work under the control and supervision of contractors or their supervisors. As there is no "employer and employee" relationship between the contract labourers and the Management of M.C.L. the reference is not maintainable.

14. The primary question which needs consideration here is whether all the 190 workmen as per list are contract labourers or are working under the 1st Party-Management directly and the nature of work they are performing is perennial or temporary? The 2nd Party-Union has submitted a list of workers with details of their names, parentage, placement, period of employment and nature of job. This list is said to be concocted and frivolous by the 1st Party-Management, but the 1st Party-Management could not convincingly prove it so or show any material to discard this list. It even could not produce the list of 92 workers whom they call undisputed despite court's order.

Various registers and documents filed by the 1st Party-Management and exhibited by its witnesses do not clarify the real picture regarding engagement of disputant workmen. The witnesses are either silent about their contents or they have said nothing as to how they do or do not relate to the present dispute or disputants. Likewise the extracts of the attendance registers, duty chart etc. filed by the 2nd Party-Union, do not show as to how they are related to the disputant workmen. The workmen witnesses have not said anything as to which of the entry in the attendance register or duty chart relates to which workman and which document pertains to which workman. Therefore this Tribunal finds it very difficult to read the documents in between the lines. Thus all these documents are not helpful in deciding the real controversy. However the 1st Party-Management has only challenged the correctness and authenticity of the list of the workmen but it has nowhere denied that these workmen were or are not working in the establishments of the 1st Party-Management. It has been further pleaded that 107 workmen have been terminated during the pendency of the present case and the case under Section 33-A of the Industrial Disputes Act is pending with this Tribunal. Hence their names be expunged from the list of workers, but this Tribunal vide its order dated 20-7-2006 has observed that these workers have not surrendered their right of regularization as per terms of reference. Therefore in view of the above, the list of 190 workers as a whole is taken for consideration for their claim of regularization.

15. W.W.-1 Sri Suresh Chandra Satpathy, a Time Keeper know all the 71 disputants of Balanda Colliery, who were working in different types of jobs of perennial nature. W.W.-2, Sri Duryodhan Patnaik knows all the 25 persons of Jagannath Colliery who were working continuously in the feeder crusher of coal handling plant. They are said to be usually engaged in cleaning of Feeder Crusher, Conveyer belt and also assist in electrical and mechanical filters. But no witness has been examined on behalf of the 2nd Party-Union with regard to the engagement of alleged number of disputant workmen in Ananta Colliery, Puri Holiday Home, Chief General Manager Office Canteen Kalinga Colliery, Fire fighting and Bharatpur Colliery C.H.P. and Railway Siding, As such it could not be proved by the 2nd Party-Union that the workers except those of Balanda Colliery and Jagannath Colliery were/are working in the establishment of 1st Party-Management and have any claim for regularization being engaged by it directly in perennial or permanent nature of work. As regards the workers of Balanda Colliery and Jagannath colliery the witnesses have stated that they were/are being engaged continuously in permanent or perennial nature of work. They are continued in job even after change of contractors. They are supervised by the officers of the Management-Company and paid their

wages through the cash project office of the Management. The witnesses could not tell whether the disputants are contract labourers or direct employees of the Management. Since the disputants were/are called contract or supply labourers they know themselves as such, but they have not seen any contractor. For working in mining areas they were also given vocational training by the Management.

16. The Management has alleged that it engages contractors for carrying out the jobs which are of temporary nature. The disputant workers are contract labourers and were/are engaged only for temporary or intermittent nature of jobs. But the Management has failed to file any documents to show that its establishment has been registered under Section 7 of the Contract Labour (Regulation and Abolition) Act, 1970 to employ contract labour through licensed contractors as per Section 12 of the aforesaid Act. Tender papers filed by the Management as Ext.-J to Ext.-M do not prove/justify engagement of 190 persons or more than 20 persons at a time for perennial nature of work through contractor and so these papers might have been after thought. It is presumable under Explanation (i) of sub-section (5) of Section 1 of the aforesaid Act that work performed in an establishment shall not be deemed to be of an intermittent nature if it was performed for more than one hundred and twenty days in the preceding twelve months and it is the clear case of the 2nd Party workman that the disputants had worked or have been working for years in the management-Company. Not naming a single contractor by the 2nd Party-Union does substantiate the case of disputant workmen that they were engaged by the Management itself under the garb of contractor.

17. Management Witness No. 7, Y. Harkumar, Senior Manager (Personnel) M.C.L. has stated in his cross examination that "I know the various provisions of the Contract Labour (Regulation and Abolition) Act, 1970. I am aware of the maintenance of statutory records under the said Act. It is a fact that we maintain the relevant records regarding the contractors deployed by the M.C.L. during the relevant period and covered under the said Act. Those documents have not been filed in the present case."

18. Management Witness No. 3, Theokyanath Nayak has also admitted in his cross examination that "I have not filed the documents with regard to registration of our establishment under the Contract Labour (Regulation and Abolition) Act, 1970 so as to the list of the concerned contractors". Earlier to this he has stated that "we have not stated in our written statement as to the names of the contractor under whom these disputants were working."

19. This way the Management has failed to falsify the case of the 2nd Party-Union that the disputant workmen were/are not the contract labourers but they have been engaged

by the Management itself through its officers and the alleged contractors are mere name-lenders and paper products to conceal reality. Therefore it is to be held that the contract was a sham and in such a case as the Hon'ble Supreme Court has held in "Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat Versus-Hind Mazdoor Sabha and Others (1995 SCC (L&S) 1166) the industrial adjudicator can adjudicate such a dispute. Elaborating the point the Hon'ble Court ruled that:

"If a contract is a sham or not genuine, the workmen of the so-called contractor can raise an industrial dispute for declaring that they were always the employees of the principal employer and for claiming the appropriate service conditions, when such dispute is raised, it is not a dispute for abolition of the labour contract and hence the provisions of Section 10 of the Act will not bar either the raising or the adjudication of the dispute. When such dispute is raised, the industrial adjudicator has to decide whether the contract is a sham or genuine. It is only if the adjudicator comes to the conclusion that the contract is a sham, that he will have jurisdiction to adjudicate the dispute."

20. In another case reported in "2004 SCC (L & S) 14" (Ram Singh and others-Versus-Union Territory, Chandigarh and others) the Hon'ble Supreme Court laid down "whether a particular relationship between employer and employee is genuine or a camouflage through the mode of a contractor, is essentially a question of fact to be determined on the basis of the features of the relationship, the written terms of employment, if any, and the actual nature of the employment. The actual nature of relationship concerning a particular employment being essentially a question of fact, it has to be raised and proved before an industrial adjudicator."

21. In the case of "Steel Authority of India Limited and others etc.—Versus-National Union Water Front Workers and others etc" (AIR 2001 SC 3527) the Hon'ble Supreme Court has held that "if the contract is found to be not genuine but a mere camouflage the so-called contract labour will have to be treated as employees of the Principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para-6 hereunder."

22. The conditions laid down relate to giving preference to the erstwhile contract labour if otherwise found suitable and if necessary by relaxing the condition as to maximum age appropriately, taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualifications other than technical qualification.

23. With the strength of these decisions when it has been found on the basis of facts and evidence led by the parties that the present workmen, whose case has been established hereinbefore are the employees of the 1st Party-Management and not the contract labour, this Tribunal has jurisdiction to adjudicate the dispute and it is therefore held that the reference is maintainable and all the objections raised in this regard fall to the ground. Issue No. 1 is thus decided in the affirmative and against the 1st Party-Management.

24. As regards the demand of the 2nd Party-Union for regularization of contract labour engaged in permanent and perennial nature of work as per list it has been held herein before that the 2nd Party-Union has failed to prove that the workers as shown working in Ananta Colliery (Colliery Store), C.H.P. Fire Fighting and workshop, Puri Holiday Home, Chief General Manager Office Canteen, Kalinaga Area, Kalinga Colliery, Fire Fighting, Bharatpur Colliery C.H.P. and Railway Station as per list annexed to the reference have not been engaged by or on behalf of the 1st Party-Management they are not entitled to any claim for regularization etc. The cases of workers of Balanda Colliery and Jagannath Colliery numbering 96 are only proved and hence their demand for regularization meets the requirement.

25. Resultantly, excepting the workers of Balanda Colliery and Jagannath Colliery cases of other workers as shown in the list annexed to the reference fail and they are not entitled to any relief claimed. The workers working in the Balanda Colliery and Jagannath Colliery even if they had died or retired or were retrenched after the receipt of order of reference in this Tribunal shall be entitled to regularization and consequential benefits. The 1st Party-Management is hereby directed to regularize each of these 96 workers in the post on which they were working on 7-9-1988 i.e. on receipt of order of reference in this Tribunal and fix their inter-se seniority vis-a-vis other regular employees department-wise on the basis of their date of joining and grant them promotion if fallen due in the intermittent period or falls due in future according to their inter-se seniority so fixed with all monetary benefits or differential wages and consequential benefits. Issue No. 2 is thus decided partly in favour of the 2nd Party-Union and against the 1st Party-Management.

26. This order shall be implemented by the 1st Party-Management within a period of three months from the date of publication of the award.

27. This reference is answered accordingly.

JITENDRA SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का.अ. 1175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.आई.एस.

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 301/2005 एण्ड 302/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था)

[सं. एल-42012/163/2001-आई आर (सी-II)],

[सं. एल-42012/165/2001-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 301/2005 and 302/2005 of the Central Govt. Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Bureau of Indian Standards, Bureau of Indian Standards, and their workmen, received by the Central Government on 29-02-2012.

[No. L-42012/163/2001-IR (CM-II)],

[No. L-42012/165/2001-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present : Sri A.K. Rastogi, Presiding Officer.

1. Case No. I.D. 301/2005
Registered on 11-8-2005
Shri Kulwinder Singh, S/o Sh. Arjan Singh,
House No. 2173, Sector-73, Chandigarh.
2. Case No. ID. 302/2005
Registered on 11-8-2005
Shri Satinder Singh, S/o Sh. Babu Ram,
House No. 1376/1, Sector-30-B, Chandigarh.

Petitioners

Versus

The Director, Bureau of Indian Standards, Sector -34-A,
Chandigarh.

Respondent

APPEARANCES

For the workman

Sh. D.R. Kaith

For the Management

Sh. G. C. Babbar.

AWARD

Passed on February 10th, 2012

Central Government vide Order No.42012/163/2001 [IR(CM-II) and Order No.42012/165/2001 (IR(CM-II))] both dated 6-8-2002 read with Corrigendums dated 3-3-2003 in

exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (in short 'Act') has referred the following Industrial disputes respectively for adjudication to this Tribunal :—

ID No. 301/2005

“Whether the action of Director General, Bureau of Indian Standards, New Delhi and Director, Bureau of Indian Standards, Chandigarh in ordering disengagement/ termination of services of Sh. Kulwinder Singh S/o Sh. Arjan Singh, the workman engaged through contractor who has completed 240 days service is legal and justified? If not, what relief the workman is entitled to and from which date?”

ID No. 302/2005

“Whether the action of Director General, Bureau of Indian Standards, New Delhi and Director, Bureau of Indian Standards, Chandigarh in ordering disengagement/ termination of services of Sh. Satinder Kumar S/o Sh. Babu Ram, the workman engaged through contractor who has completed 240 days service is legal and justified? If not, what relief the workman is entitled to and from which date?”

Both the references have common questions of law and fact for adjudication hence, they are being decided by this common award. The claimants have raised industrial dispute stating that they had been appointed after selection by Chandigarh Office of the respondent as helper through an agency known as Goliath Detectives. Their services were terminated illegally on 9.7.2000. There are about more than 150 employees working in Chandigarh Office of the respondent which is a Central Government Agency having more than 100 regular employees. However the respondent is indulged in unfair labour practice in showing more than 30 persons as contract labourers, though the work performed by these employees is of perennial nature. Since the very beginning of joining the job the claimants worked under the direct control and supervision of respondent. By Contract Labour (Regulation and Abolition) Act, 1970 (in short C.L. Act) the system of contract labour has been abolished and after issuance of notification under Section 10 of the aforesaid C.L. Act any person employed on contract basis in violation of said Act is to be deemed to be a direct employee of the principal employer. The claimants have further specifically pleaded that neither the management is registered under Section 7 of the CL Act nor the contractor is a licensee under Section 13 of the said Act. The earlier contract also expired w.e.f. January 2000 and the claimants are being shown to be the employees of another contractor i.e. Secure Securities for which the claimants never consented. The claimants have completed more than 240 days service at the time of termination of their services and the termination is in violation of Section 25-F of the Act. At the time of termination of their services the juniors were retained in violation of Section 2S-G of the

Act and the management appointed fresh hands after the termination of the services in violation of Section 25H of the Act. The claimants have claimed their reinstatement with continuity in service with full back wages.

The claims were contested by the respondent-management and it was denied that the claimants had been selected or engaged and disengaged or terminated or they were paid wages by the management. The management denied the relationship of master and servant with the claimants and that the claimants are workmen. The strength of the staff was admitted. It was denied that the claimants worked under the direct control of the management. Management also denied that it is indulged in any sort of unfair labour practice or 30 persons are working as contract labour. It was stated that the management need not get itself registered under the provisions of the C.L. Act. It was alleged that since the claimants were not the employees of the management so the question of violation of industrial law does not arise.

Claimants filed replication to reiterate their case.

In their respective IDs claimants gave their statement and relied on certain documents. While on behalf of management Sh. Balbir Singh, Deputy Director filed his affidavit in both the IDs but gave his statement in ID No. 301/2005 only. The management filed certain papers but did not tender them in evidence.

I have heard the learned counsel for the parties and perused the evidence on record. Following issues arise for consideration in these matters.

1. Whether the provisions of Contract Labour (Regulation and Abolition) Act, 1970 are applicable in the present case if so its effect?
2. Whether there was any relationship of master and servant between the management and the claimants?
3. Whether the services of the claimants were terminated by the management and provisions of Section 25-F and 25-G of the Act were violated by management?
4. To what relief the claimants are entitled?

Right of re-employment provided under Section 25-H of the Act is out of the purview of the references.

My findings on various issues are as follows :—

Findings

Issue No. 1

Regarding the applicability of C.L. Act it has been argued by the learned counsel for the workmen that since it is the admitted case of the management that more than 150 employees are working with them therefore the C.L. Act is applicable as it is applicable to an establishment where more than 20 workmen are employed.

Against it the learned counsel for the management argued that the provisions of C.L. Act is not applicable to

the management and it is wrong to argue that the C.L. Act is applicable to an establishment where more than 20 workmen are employed.

I am of the view that the argument of the learned counsel for the workmen is misconceived. The provisions of C.L. Act are not applicable on the basis of the number of employees but number of contract labour employed in the establishment. Section 1, Sub-section 4, Clause (a) of C.L. Act makes it clear that the Act is applicable to an establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour.

The workmen has neither pleaded nor proved that there were 20 contract labours working in the management on any day of the preceding 12 months. Against it the management witness Balbir Singh in Para 6 of his affidavit has denied that 30 persons as contract labour are working in Bureau.

It is, therefore, clear that the provisions of Contract Labour (Regulation and Abolition) Act, 1970 are not applicable in the present case. Issue No. 1 is decided against the claimants.

Issue No. 2

The case of the claimants is that they had been selected by management through recruiting agency M/s. Goliath Detective Agency and they worked under the control and supervision of the management and they are the employees of the management.

The management on the other hand has denied the relationship of master and servant with the claimants. It is also denied that the claimants worked under the control and supervision of the management.

In their cross-examination the claimants have admitted that they have no documents regarding their selection, any document to show that they have been assigned duties by the officials of the management, any receipt to show that the salary was given by any official of the management or any appointment or termination letter issued by the management. They have placed reliance on certain attendance sheets and vouchers but regarding these documents learned counsel for management argued that these documents do not bear the Signature and stamp of any employee of the management. Vouchers produced are not regarding wages and on the strength of these documents the employment of claimants with the management cannot be proved. Regarding the experience certificate Exhibit W32 in ID No. 301 of 2005 it was pointed out by the learned counsel for the management that the certificate itself shows that claimant Kulwinder Singh was the appointee of Goliath Detective Private Limited. It only shows that the said claimant was working with management which is admitted to management also. But the fact that the

claimants worked for the management is not the evidence of the fact that they were management's employees. The status of workman cannot be denied to them, but to establish a relationship of master and servant with the management much more is required.

As it was laid down by the Hon'ble Supreme Court in Ram Singh Vs. UT Chandigarh (2004) 1 SCC 126 in determining the relationship of employer and employee an integrated approach is needed. Integration test is one of the relevant tests and it is applied by examining whether the person was fully integrated in the employer's concern or remained apart or independent of it. The other factors which may be relevant are—who has the power to select and dismiss, to pay remuneration, deduct insurance contributions, organize the work, supply tools and materials and what are the mutual obligations between them.

In the present case from the statement of the claimants it is clear that the claimants were not fully integrated in the management's concern. There is nothing to show that they were selected and dismissed by the management and management paid their wages and assign them the duties. Regarding the payment of wages the claimants in Para 6 of their claim statement have themselves stated that their pay was being paid through the contractor and the officials of the contractor used to visit the office only once in a month in order to pay the wages. It is, therefore, clear from the evidence on record that the claimants have failed in proving the relationship of master and servant with the management. Issue No. 2 is decided against the claimants.

Issue No. 3

Since it has been held above that the claimants were not the employees of the management therefore the question of compliance of provisions of Section 25 and 25-G of the Act by the management does not arise. Management neither terminated the services of the claimants nor violated Section 25-F and 25-G of the Act. Issue No. 3 is decided against the claimants.

Issue No. 4

From the above discussion it is clear that the provisions of Contract Labour (Regulation and Abolition) Act, 1970 are not applicable to the management establishment, there was no relationship of master and servant between the management and the claimants and their services were not terminated by the management, no violation of Section 25 and 25-G of the Act is involved in the case. Hence the case law laid down in :—

1. 1987(1) LLJ 407
2. 1987(2) SLR 678
3. 2003(6) SCC 528
4. 2005(10) SCC 792
5. 2003(3) SCT 861
6. 2009(8) SCC 556

7. 2010(1) SCT 820

8. 2010(1) SCT 675

cited by the learned counsel for the claimants are not applicable in the case. The claimants are not entitled to any relief. Reference is answered against the claimants. Original award will remain on the record of ID No. 301/2005 and a copy thereof be placed on the record of ID No. 302/2005. Two copies of the award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

दिल्ली, 29 फरवरी, 2012

का.आ. 1176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचाट (संदर्भ संख्या 34/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था।

[सं. एल-22012/153/2005-आई आर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 34/2006 of the Central Govt. Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. Eastern Coalfields Limited, and their workmen, received by the Central Government on 29-02-2012.

[No. L-22012/153/2005-IR (CM-ID)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: SRI KISHOR RAM, Presiding Officer/Link Officer

REFERENCE No. 34 of 2006

PARTIES: The management of Nageshwar Satgram Colliery of M/s. ECL.

Vrs.

Sri Rajan Bouri

Representatives

For the management None

For the union (Workman) None

Industry : Coal State: West Bengal

Dated the 2nd February, 2012

AWARD

In exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/153/2005-IR (CM-II) dated 01-08-2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Nageshwar Satgram Colliery of M/s. ECL, in dismissing Sri Rajan Bouri, U.G. Loader from service w.e.f. 12-07-1999 is legal and justified? If not, to what relief the workman is entitled?”

Having received the Order No. L-22012/153/2005-IR(CM-II) dated 01-08-2006 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 34 of 2006 was registered on 14-08-06 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Since the present reference related to the dismissal of the workman as U. G. Loader w.e.f. 12-07-99 has been amicably settled as per the term and condition of it on the prescribed Form ‘H’ under the signature of both the parties and concerned two witnesses on 2-1-12, so no longer any Industrial Dispute exists, treating the aforesaid settlement dated 2-1-12 as the part of it. Accordingly, it is hereby ordered.

ORDER

Let an “Award” be and same is passed as per above Form ‘H’ containing terms and conditions to form part of the Award. Send the copies of the award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

KISHORI RAM, Presiding Officer/Link Officer

नई दिल्ली, 29 फरवरी, 2012

का.आ.1177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 126/2007 को

प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था)

[सं. एल-22013/1/2012-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/126/2007) as shown in the Annexure, in the industrial dispute between the management of SCCL and their workmen, received by the Central Government on 29-02-2012.

[No. L-22013/1/2012-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**IN THE LOK ADALAT**

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

the 20th January, 2012

Present : 1. Sri Ved Prakash Gaur : Presiding Officer

2. Sri C. Niranjan Rao : Member

3. Sri : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of case No. LCID No. 126 of 2007/PLAC No. 5/2012 (On the file of CGIT-cum-Labour Court at Hyderabad)

BETWEEN

Assampalli Rajaiah, (EC No. 2835859), S/o. Mattaiah, aged about 52 years, worked as Coal Filler at IK-1A Incline, Singareni Collieries Company Limited, Adilabad Dist.

....Petitioner

AND

1. The Singareni Collieries Company Limited, rep. by its General Manager, IK and Chennuru Group of Mines, Srirampur, Adilabad District.

2. The Colliery Manager, IK-1A Incline, Singareni Collieries Company Ltd., Indaram, Adilabad District.

....Respondents

This case is coming up before the Lok Adalat on 20-1-2012 for settlement in the presene of the applicant appearing in person/represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L.S.A. ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as Badli Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as Badli Filler afresh on Coal filling, wherever coal filling is available and need not be the same place where the workman was last employed.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential. In the event of any shortfall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as Badli Filler afresh wherever coal filling is available.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd. illegible
Signature of Applicant(s)
Sd. illegible

Sd. illegible
Signature of Respondent(s)
Sd. illegible

Signature of Counsel for
Applicant(s)

Signature of Counsel for
Respondent(s)

Signature of Presiding Officer & Members of the Bench

1. Ved Prakash Gaur,

2. C. Niranjn Rao

Note: This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of LSA ACT, 1987.

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 34/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था)

[सं. एल-22013/1/2012-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/34/2008) as shown in the Annexure, in the industrial dispute between the management of SCCL and their workmen, received by the Central Government on 29-02-2012.

[No. L-22013/1/2012-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

20th day of January, 2012

Present : 1. Sri Ved Prakash Gaur : Presiding Officer
2. Sri C. Niranjn Rao : Member
3. Sri : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of case No. LCID No. 34 of 2008/PLAC No. 3/2012 (On the file of CGIT-cum-Labour Court at Hyderabad)

BETWEEN

D. Ramchander (EC No. 2320294), S/o. Narsaiah, aged about 45 years, Ex. Coal filler at Chennur-2 Incline, Srirampur Area, Singareni Collieries Company Limited. Srirampur, Adilabad Dist.

....Petitioner

AND

1. The Singareni Collieries Company Limited, represented by its Project Officer, IK and CHR, Mines, Srirampur Area, Srirampur, Adilabad District.
2. The Superintendent of Mines, Chennur-2 Incline, Srirampur Area, Singareni Collieries Company Limited, Srirampur, Adilabad District.

....Respondents

This case is coming up before the Lok Adalat on 20-1-2012 for settlement in the presence of the applicant appearing in person/represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S. Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both sides, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L. S. A. ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as Badli Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as Badli Filler afresh on Coal filling, wherever coal filling is available and need not be the same place where the workman was last employed.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review three months on coal filling only is absolutely essential. In

the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.

- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as Badli Filler afresh wherever coal filling is available.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

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| Sd./- illegible | Sd./- illegible |
| Signature of Applicant(s) | Signature of Respondent(s) |
| Sd./- illegible | Sd./- illegible |
| Signature of Counsel for Applicant(s) | Signature of Counsel for Respondent(s) |
| Signature of Presiding Officer & Members of the Bench | |

| | |
|--|-------------------------------|
| 1. Ved Prakash Gaur, Chairman, Lok Adalat | 2. C. Niranajn Rao, Member |
|--|-------------------------------|

Note: This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of I.S.A., ACT 1987.

नई दिल्ली, 29 फरवरी, 2012

का.आ.1179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 51/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था)

[सं. एल-22013/1/2012-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/ LCID/51/2006) as shown in the Annexure, in the industrial

dispute between the management of SCCL and their workmen, received by the Central Government on 29-02-2012.

[No. L-22013/1/2012-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

20th day of January, 2012

Present : 1. Sri Ved Prakash Gaur : Presiding Officer

2. Sri C. Nirajan Rao : Member

3. Sri : Member

(Constituted U/s. 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of Case No. LCID No. 51 of 2006/PLAC No. 4/2012

(On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Nookala Gattaiah, EC No. 0887591, S/o. Sailoo, aged about 44 years, Worked as Coal Filler, GDK-5 Incline, SCCo Ltd. Godavarikhani, Karimnagar District.

....Petitioner

AND

1. The Singareni Collieries Company Limited, rep. by its General Manager, RG-1 Area, Godavarikhani, Karimnagar District.

2. The SOM/DY, G.M., GDK-5, In line, Singareni Collieries Company Limited, Godavarikhani, Karimnagar District.

....Respondents

This Case is coming up before the Lok Adalat on 20-01-2012 for settlement in the presene of the applicant appearing in person/represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present in person/represented by his counsel, Sri P.A.V.V.S. Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following :

AWARD UNDER SECTION 21 OF THE L.S.A ACT, 1987

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and

raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- The petitioner workman agreed to treat his appointment as fresh appointment as Badli Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- Irrespective of past disignations, petitioner workman agrees to the appointment as Badli Filler afresh on Coal filling, wherever coal filling is available and need not be the same place where the workman was last employed.
- The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review three months on coal filing only is absolutely essential. In the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as Badli Filler afresh wherever coal filling is available.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

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| Sd./- illegible | Sd./- illegible |
| Signature of Applicant(s) | Signature of |
| Respondent(s) | |
| Sd./- illegible | Sd./- illegible |
| Signature of Counsel | Signature of Counsel for |
| for Applicat(s) | Respondents(s) |
| Signature of Presiding Officer & Members of the Bench | |
| 1. Ved Prakash Gaur, | 2. C. Niranjan Rao, |
| Chairman, Lok Adalat | Member |

Note: This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of I.S.A., ACT, 1987.

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1180-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1-धनबाद के पंचाट (संदर्भ संख्या 47/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था।

[सं. एल-20012/364/1990-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1180.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.47/1991) of the Central Government Industrial Tribunal/ Labour Court-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL. and their workman, which was received by the Central Government on 29-2-2012.

[No. L-20012/364/1990-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/S. 10 (1) (d) (2A) of the Industrial Dispute Act, 1947

REFERENCE NO. 47 of 1991

Parties:

Employers in relation to the management of Loyabad Coke Plant of M/s. B.C.C.Ltd.

AND

Their workman

Present : Shri H.M. SINGH, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : Noen

State: Jharkhand

Industry : Coal

Dated, the 23-2-2012

AWARD

By Order No. L -20012/364/90-IR (C-I) dated 15-4-91 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947, referred the following dispute for adjudication to this Tribunal:

“Whether the action of the management of Loyabad Coke Plant under Sijua Area of M/s. BCCL in dismissing Shri Chotan Gope, I. D. Card No. 86186 vide their letter No. Pers/36-88/12023 dated 18-2/5-3-88 is justified? If not, what relief the workman is entitled?”

2. The case of the concerned workman is that he has been working in Loyabad Coke Plant as a Night Guard from before nationalisation. The Manager, Loyabad Coke Plant issued a charge-sheet dated 18-4-88 against the concerned workman alleging that either he connived with the theft took place in the Time Office of the Plant or he was negligent in his duty on the night of 15-16/1-88 and suspended the workman pending enquiry. The concerned workman submitted his reply on 21-4-88 denying the allegation made against him. Sri D. Jha, Dy. P. M. of Sijua Area was appointed as Enquiry Officer, who conducted the departmental enquiry. The management examined two witnesses who stated nothing against the concerned workman. Even then the Enquiry Officer submitted a report holding the concerned workman guilty of the charges levelled against him. Though the finding of the Enquiry Officer was not based on the evidence on record still then the Manager, Loyabad Coke Plant dismissed the concerned workman from service on the basis of enquiry report dated 18-2-88/5-3-88. The action of the management in dismissing the concerned workman from service is totally wrong, unjustified and illegal. He is entitled to get the relief of reinstatement in his service with full back wages and other benefits from the date of this suspension till the date of the effective reinstatement.

Under such circumstances, it has been prayed before the Hon'ble Tribunal to hold that the action of the management is not justified and to pass an award granting the relief as prayed for.

3. The case of the management is that the concerned workman was on duty in the office of the Loyabad Coke Plant in the night from 10 PM to 6 AM on 15-1-87. The office room was locked from outside. While he was on duty in the aforesaid shift, a theft occurred in the office and after breaking open the lock. A sum of Rs. 31,603 was stolen during the period. An FIR was lodged with the Officer I/C, Loyabad P. S. on 16-1-87 by letter dated 15-1-87. The theft could take place either due to carelessness/negligence or connivance of the concerned workman. A chargesheet dated 19-4-87 was issued to him under para 10 (1), (3), (8), (12) and (22) of the Certified Standing Orders of Loyabad Coke Plant. The concerned workman submitted his reply/ explanation on 21-4-87 which was found not satisfactory. Thereafter Sri D. N. Jha, the then Dy. P. M. was appointed as Enquiry Officer, who conducted enquiry against the concerned workman on different dates in presence of the concerned workman. He was given full opportunity to defend his case. He appeared at the enquiry. The enquiry was conducted in Hindi. He fully participated in the enquiry. The concerned workman was found guilty of the

charges levelled against him. The Enquiry Officer submitted his report. The management concurred with the finding of the Enquiry Officer and he was dismissed by letter dated 18-2-88/5-3-88 after approval of the competent authority. The dismissal of the concerned workman is fully justified and he is not entitled to any relief.

It has been prayed that this Tribunal be pleased to hold that the action of the employer is dismissing the concerned workman is fully justified and he is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying some contents of the paragraphs of each other's written statement.

5. The departmental enquiry was held to be fair and proper by order dated 27-6-1994.

6. No oral argument has been advanced on behalf of either party.

7. As per records I have gone through the written statements filed by the parties.

The concerned workman, Chotan Gope, died on 23-9-91 and his wife, Gano Gowalin has been substituted in his place.

The concerned workman was working in Loyabad Coke Plant as a Night Guard from before nationalisation. The concerned workman was dismissed from service w.e.f. 5-3-88 on the ground that when he was on duty in the office of the Loyabad Coke Plant, theft had taken place on 15-1-87 when he was duty from 10 PM to 6 AM after breaking the lock and a sum of Rs. 71,603 was stolen. He admitted that he had gone out at 4 AM for 15 minutes for natural call which he used to do in the night shift. At that time Havildar was in petrolling duty so he could not meet him. When he was not available in his office the theft had taken place by breaking the lock. Chargesheet was issued against the concerned workman alleging that either he connived with the theft or he was negligent in his duty due to which the company had to suffer a loss of Rs. 71,603. I have gone through the enquiry papers and the Enquiry Officer found the charges levelled against the concerned workman fully proved and held him guilty of the charges. It shows that the concerned workman was negligent in his duty or he got connived with the theft.

7. Considering the above facts and circumstances, I hold that the action of the management of Loyabad Coke Plant, Sijua Area of M/s. BCCL in dismissing Shri Chotan Gope, I. D. Card No. 86186 vide their letter No. Pers/36-88/12023 dated 18-2/5-3-88 is justified. Hence, the concerned workman is not entitled to any relief.

This is my Award.

H.M. SINGH, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का.आ.1181-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.

सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 57/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-02-2012 को प्राप्त हुआ था।

[सं. एल-20012/168/2004-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1181.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2005) of the Central Government Industrial Tribunal/Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 29-2-2012

[No. L-20012/168/2004-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**
PRESENT : KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 57 of 2005

PARTIES : Employers in relation to the management of
Salanpur Colliery of M/s. BCCL and their
workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the management : Mr. D. K. Verma,
Ld Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st February, 2012

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/168/2004-IR (C-I), dated the 2-6-2005.

SCHEDULE

"Whether the demand of the Janta Mazdoor Sangh from the management of Salanpur Colliery of M/s. BCCL for regularising Sri Amit Kumar Das as Cap Lamp Fitter is justified? If so, to what relief is concerned workman entitled and from what date?"

2. None represented the concerned union/workman Amit Kumar Das nor workman's witness produced for evidence from the side of the union despite four Regd. notices dt. 21-10-2010, 21-12-2010, 16-3-2011 and 20-10-2011 to the Regional President of the Union on its address noted in the Reference. Mr. D. K. Verma, the Ld. Advocate for the management is present.

On perusal of the case record, it stands clear that the case has been pending for the evidence of the workman since 20-10-2010, for which the aforesaid four Regd. notices were issued to the union concerned, but in vain. The conduct of the union and the workman shows their loss of interest to peruse the case which is related to regularisation of the workman as a Cap Lam Fitter. Considering the disinterestedness of the union/workman, it is observed that it is useless to proceed with the case. Therefore, the case is closed as no industrial dispute existent. Accordingly, an order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 111/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-02-2012 को प्राप्त हुआ था।

[सं. एल-20012/499/2000-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 111/2001) of the Central Government Industrial Tribunal/Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 29-2-2012

[No. L-20012/499/2000-IR (C-1)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 111 of 2001

PARTIES : Employers in relation to the management of
Kuiya Colliery of Area No. IX of BCCL and
their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the management : Mr. U. N. Lal
Ld Advocate.

State : Jharkhand

Industry : Coal

Dated, the 21st February, 2012

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/499/2000-IR (C-1), dated 29-3-2001.

SCHEDULE

“Whether the action of the management of M/s. BCCL in not regularising the services as Sri Dhiran Manjhi, as Cashier in Kuiya Colliery is justified, legal and proper? If not, to what relief is the workman entitled and from what dated ?”

2. None represented the sponsoring union/workman Dhiran Manjhi. Mr. U. N. Lal, the Advocate for the management is present but no management witness produced for evidence in behalf of the management. Mr. Lal submits for the management that there is no need to produce any management witness, because not a single witness has been produced or examined on behalf of the union/workman in support of his case even after giving full opportunity to the union for it so the evidence of the workman was closed on 3-11-2011.

On perusal of the case record, I find that the case has been pending for the evidence of the workman since 28-7-2005 for which ample opportunity was given to the union till now for workman evidence, for which Regd. notices dt. 8-11-2010 and show Cause Notice dt. 19-4-2011 in addition to earlier Notices issued to the Secretary of the union concerned on its address as noted in the Reference. The conduct of the union as well as that of the workman all along shows his unwillingness to pursue the case which is related to an issue of non-regularisation of the workman as a Cashier in Kuiya Colliery.

In view of the aforesaid circumstances, I find proceeding with the case for infinity is worthless. Therefore the case is closed and accordingly an order of no dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.

एल. एवं के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 133/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-02-2012 को प्राप्त हुआ था।

[सं. एल-20012/41/1999-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 133/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL, and their workman, which was received by the Central Government on 29-2-2012.

[No. L-20012/41/1999-IR (C-I)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 133 of 2001

PARTIES : Employers in relation to the management of Govindpur Project of M/s. CCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the management : Mr. D. K. Verma,
Ld. Advocate.

State : Jharkhand Industry : Coal

Dated, the 15th February, 2012

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/41/99-IR (C-1), dated 8-5-2001.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union for treating S/Shri Dhaneshwar Rajwar & 9 others as per annexure as regular workmen and payment of wages as per NCWA by the management of Govindpur Project of M/s. CCL is legal and

justified? If so, to what relief the concerned workmen are entitled?"

2. None represented the union/workman nor the workman's witness produced despite Regd. notice the Union for it. Mr. D. K. Verma, Ld. Advocate for the Management is present. Since the case has been pending for the evidence of the workmen from 22-2-2006, for which the Regd. notices dt. 9-11-2010, 22-7-2011 and 29-11-2011 (Show cause) were issued to Shri Keshaw Singh Yadav, the Area Secretary of the union concerned on its address noted in the reference. The conduct of the Union/workmen clearly indicates their disinterestedness to pursue the case which is related to their regularisation.

In view of the aforesaid fact, proceeding with the case for infinity is not only useless but wastage of time and energy of this Tribunal; hence the case is closed and accordingly, an order of no dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 44/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-02-2012 को प्राप्त हुआ था।

[सं. एल-20012/81/2007-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 44/2007) of the Central Government Industrial Tribunal/ Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman, which was received by the Central Government on 29-2-2012.

[No. L-20012/81/2007-IR (C-I)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 44 of 2007

PARTIES : Employers in relation to the management of Sijua Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None
On behalf of the management : Mr. D. K. Verma,
Ld. Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 15th February, 2012

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/81/2007-IR (CM-I), dated the 9-8-2007.

SCHEDULE

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in denying regularization as PR Trammer to Shri Taras Ram BP, M/Loader is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. None represented the Union/workman Taras Ram BP, the Miner Loader nor any written statement filed on his behalf by the union concerned despite four times Regd. notices. But Mr. D. K. Verma, Ld. Advocate for the Management is present.

From the perusal of the case record, it stands clear that it has been pending for filling written statement on behalf of the union/workman abinitio, i.e., from 9-1-2008 but despite Regd. notices dt.23-11-2020, 18-2-2011, 27-4-2011 and 1-9-2011 to the Vice President of the union concerned on its address noted in the reference. It is quite clear that neither the Union nor the workman is interested to pursue the case. In view of the aforesaid facts, I find proceeding with the case for infinity is useless; hence the case is closed and accordingly an order of no dispute is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 फरवरी, 2012

का. आ. 1185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (एलसीआईडी संख्या 15/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]
नी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1185.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/15/2010 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 29-2-2012.

[No. L-22013/1/2012-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

the 20th day of January, Two thousand and Twelve

PRESENT:

1. Sri Ved Prakash Gaur : Presiding Officer
2. Sri C. Niranjana Rao : Member
3. Sri : Member

(Constituted U/s 19 of the LSA Act, 1987 by the APSLSA Order ROC No. 186/LSA/2006 dt. 22-8-2006)

In the matter of case No. LCID No. 15 of 2010/
PLAC No. 1/ 2012

(On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Janjarla Kishore,
(EC.No.0997998), S/o Rajam, aged about 36 years,
Ex-Badli Filler at GDK-6 Incline,
Singareni Collieries Company Limited,
Godavarikhani,
Karimnagar District

... PETITIONER

AND

1. The Singareni Collieries Company Limited,
rep. by its General Manager,
Ramagundam Area-I, Ramagundam,
Karimnagar Dist.
2. The Colliery Manager, GDK-6 Incline,
Singareni Collieries Company Limited,
Godavarikhani,
Karimnagar District.

... RESPONDENTS

This case is coming up before the Lok Adalat on 20-01-2012 for settlement in the presence of the applicant appearing in person / represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present

in person / represented by his counsel, Sri P. A.V. V. S. Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following.

**AWARD UNDER SECTION 21 OF THE
L. S. A. ACT. 1987**

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as Badli Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as Badli Filler afresh on Coal filling, wherever coal filling is available and need not be the same place where the workmen was last employed.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential in the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.
- e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as Badli Filler afresh wherever coal filling is available.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd./- illegible

Signature of Applicant (s)

Sd./- illegible

Signature of Respondent (s)

Sd./- illegible

Signature of Counsel for Applicant (s)

Sd./- illegible

Signature of Counsel for Respondent (s)

Signature of Presiding Officer & Members of the Bench

1. Sri Ved Prakash Gaur

2. Sri C.Niranjana Rao

Note: -this award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of LSA.ACT 1987.

नई दिल्ली, 29 फरवरी, 2012

का.आ. 1186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (एलसीआईडी संख्या 17/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-2-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 29th February, 2012

S.O. 1186.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/17/2010 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL. and their workmen, which was received by the Central Government on 29-2-2012.

[No. L-22013/1/2012-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT cum Labour Court at Hyderabad Under Section 20 of the Legal Services Authorities Act, 1987)

the 20th day of January, Two thousand and Twelve

PRESENT:

1. Sri Ved Prakash Gaur : Presiding Officer.

2. Sri C.Niranjana Rao : Member

3. Sri : Member

(Constituted U/s 19 of the LSA Act, 1987 by the APSLA Order ROC No.186/LSA/2006 dt.22-8-2006)

In the matter of case No. LCID NO.17 of 2010/PLAC No. 2 /2012 (On the file of CGIT cum Labour Court at Hyderabad)

BETWEEN

Erva Ravi, (EC No.0986735),

S/o Rajamallu, aged about 38 years, worked as Coal Filler at KTK-2 Incline,

Singareni Collieries Company Limited,
Bhupalpally
Warangal Dist.

... PETITIONER

AND

1. The Singareni Collieries Company Limited,
rep. by its General Manager,
Bhupalpally,
Warangal District

2. The Superintendent of Mines,
Singareni Collieries Company Ltd.,
KTK-2 Incline, Bhupalpally,
Warangal District.

...RESPONDENTS

This case is coming up before the Lok Adalat on 20-01-2012 for settlement in the presence of the applicant appearing in person / represented by his counsel Sri K. Vasudeva Reddy and the Respondent too, being present in person / represented by his counsel, Sri P.A.V. V. S. Sarma on a perusal of the case record, after considering and hearing the case of both sides and with the consent of both side, the Lok Adalat has arrived at the following settlement and delivered the following :

**AWARD UNDER SECTION 21 OF THE
L.S.A. ACT., 1987**

The petitioner had agreed to the following proposals of the Management, as the petitioner had put in 100 musters in the two years of the preceding 5 years of dismissal and raised the dispute within three years from the date of dismissal from service. The contents are read over and explained to the petitioner in his language and agreed by him by signing the same.

- a. The petitioner workman agreed to treat his appointment as fresh appointment as Badli Filler without back wages and continuity of service subject to medical fitness by Company Medical Board.
- b. Irrespective of past designations, petitioner workman agrees to the appointment as Badli Filler afresh on Coal filling, wherever coal filling is available and need not be the same place where the workmen was last employed.
- c. The petitioner workman agrees for observation of one year with minimum mandatory 20 musters every month and review every three months on coal filling only is absolutely essential in the event of any short fall of attendance during the 3 months period, his services will be terminated without any further notice and enquiry.
- d. Respondent Management agreed that any forced absenteeism on account of mine accidents/natural

disease, treatment taken at Company's Hospitals will be deemed as attendance during the trial period.

e. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc., for appointment afresh.

This LCID is disposed of accordingly. The respondent management is directed to take him back to duty as Badli Filler afresh wherever coal filling is available.

In agreement of the above, the parties/counsel have affixed their signatures/thumb impressions in the presence of the members of this Lok Adalat Bench.

Sd./- illegible

Signature of Applicant (s)

Sd./- illegible

Signature of Respondent (s)

Sd./- illegible

Signature of Counsel for Applicant (s)

Sd./- illegible

Signature of Counsel for Respondent (s)

Signature of Presiding Officer & Members of the Bench

1. Sri Ved Prakash Gaur

2. Sri C.Niranjana Rao

Note: -This award is final and binding on all the parties and no appeal shall lie to any court as per Section 21(2) of LSA. ACT 1987.

नई दिल्ली, 2 मार्च, 2012

का.आ.1187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 46/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-3-2012 को प्राप्त हुआ था।

[सं. एल-22012/330/2006-आई आर (सी एम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd March, 2012

S.O. 1187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Mungoli O/C Mine of WCL, Western Coalfields Limited and their workman, received by the Central Government on 2-3-2012.

[No. L-22012/330/2006-IR (CM-II)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/46/2007

Date : 25-2-2012

Party No. 1

(a) The Sub Area Manager,
Mungoli O/C Mine of WCL,
Post Sakhra,
Tah. Wani,
Distt. Yavatmal (MS)

(b) The Chief General Manager,
Wani Area, Western Coalfields Limited,
Post Urjagram Tadali,
Chandrapur (MS)

Versus

Party No. 2

The General Secretary,
Rashtriya Colliery Mazdoor Congress,
Ambedkar Ward,
Ballarpur,
Chandrapur (MS)

AWARD

(Dated: 25th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their workman Shri Sopar Linga Swamy, for adjudication, as per letter No.L-22012/330/2006-IR (CM-II) dated 13-08-2007, with the following schedule:-

"Whether the action of the management of Mungoli Sub Area of WCL transferring Shri Sopar Linga Swamy alone without any valid and reasonable ground, ignoring his VRS application submitted prior to such transfer is legal and justified? If so, what relief is the workman entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "Rashtriya Colliery Mazdoor Congress," ("the union" in short) filed the statement of claim on behalf of the Shri Sopar Linga Swamy, ("the workman" in short) and the management of the WCL, ("Party No.1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he is in service of the party no. 1 for more than 22 years and his service record is neat and clean and taking into consideration his good service record, the party no.1 promoted him as blasting mazdoor in grade -IV and the party no.1 started to harass him by one way or the other, in respect of his claim for travelling

allowance, medical card and for the treatment of his family members and he filed an application for voluntary retirement scheme ("VRS" in short), but the party no.1 without considering his VRS application, transferred him to out of the state, without any notice and such transferred is illegal, arbitrary and in violation of the provision of law and according to the clause 21.1 of the Standing Order, without notice the transfer of a worker is not permitted and the party no.1 transferred him without any reason, only to harass him and according to the standing orders on VRS rules, the worker is to be intimated within a month about the acceptance of the application for VRS or otherwise, but the party no. 1 did not intimate him anything about his VRS application and though he requested for cancellation of his transfer on his family ground, the party no.1 rejected his application and the party no.1 also rejected the representation made by all the union leaders for cancellation of his transfer and denied to settle the disputed amicably and the party no.1 also made the transfer without paying his arrear claim of Rs. 35,000/- and as the action of the management is illegal, it is necessary to set aside the transfer order and to allow him to re-join at Mungoli and to pay compensation of Rs. 50,000 to him by the party no.1 for physical and mental troubles.

3. The party no.1 in its written statement has pleaded inter-alia that the dispute doesn't amount to an industrial dispute as contemplated under section 2 K of the Act and therefore, the reference is liable to be rejected on that ground and as the reference is only in regard to the legality or otherwise of the transfer of the workman, the Tribunal has no jurisdiction to go outside the scope and ambit of the terms of reference and to decide the issue of VRS of the workman and the transfer of the workman as per order dated 18-10-2005 was effected and issued at the instance of the Headquarters of WCL, after carefully considering the performance of the workman and the transfer was purely on administrative grounds, as per the exigency of work and the transfer was bonafide and was not effected with any malafide intension and as such, the transfer was legal and justified and the case of the VRS of the workman did not affect adversely, due to his transfer from Mungoli to Kanhan area and the workman is not entitled for any relief.

4. It is necessary to mention here that after filing of the written statement by the party no.1, the workman was given number of opportunities to adduce evidence, on affidavit, in support of his claim, but as he did not adduce any evidence, evidence from his side was closed by order dated 23-05-2011. Thereafter, the workman remained absent and did not contest the case. It is also necessary to mention that management also declined to adduce any evidence, as the workman did not adduce any evidence.

5. It is well settled that when a workman raises a dispute challenging the validity of an order passed against him, it is imperative for him to file written statement before the Industrial Court, setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file

written statement or to produce evidence, the dispute referred by the Government cannot be answered in his favour and he could not be entitled to any relief.

In this case also, the workman has failed to produce any evidence in support of his claim and as such, the reference cannot be answered in his favour and he is not entitled to any relief. Hence, it is ordered :—

ORDER

The action of the management of Mungoli Sub Area of WCL transferring Shri Sopar Linga Swamy alone, ignoring his VRS application submitted prior to such transfer is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मार्च, 2012

का.आ.1188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 193/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-3-2012 को प्राप्त हुआ था।

[सं. एल-22012/336/1994-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd March, 2012

S.O. 1188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 2-3-2012.

[No. L-22012/336/1994-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

Advocate for the petitioner is present Nobody for the Management appears. P. O. is on leave.

Call on 23-2-12 for further orders.

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/193/2002

Date: 23-2-2012

Case No. CGIT/NGP/133/2002

Party No. 1 :

The Sub Area Manager,
WCL Sillewara,
Tah. Saoner,
Distt. Nagpur

Versus

Party No. 2 :

The General Secretary,
Lal Zanda Coal Mines Mazdoor Union
(CITU), Lal Chowk,
Tah. Saoner,
Distt. Nagpur.

AWARD

(Dated: 23rd February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their workman Shri Faqir

Mohammad, for adjudication, as per letter No. L-22012/336/94-IR (C-II) dated 23-2-2002, with the following schedule: —

SCHEDULE

"Whether the action of the management of WCL in not giving wage protection to Faqir Mohammad on conversion from piece rated to time rated worker is legal and justified? If not, what relief he is entitled to?"

2. . On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "Lal Zanda Coal Mines Mazdoor Union" ("the Union" in short) filed the statement of claim on behalf of the workman Faqir Mohammad, ("the workman" in short) and the management of the WCL ("Party No.1" in short) filed its written statement.

During the pendency of the reference the management on 13-11-2006 filed a pursis, intimating the death of the workman. The management also furnished the name of the wife of the deceased workman. Notice sent to the wife of the deceased workman by registered post with AD was back without service with the report of the postal department that the addressee was not residing in the address mentioned in the letter.

On 23-02-2012 the advocate for the workman filed an application to dismiss the case stating that the workman is already dead and his legal heirs are not traceable.

In view of the above facts there is no other alternative then to pass an award of no dispute in this case. Hence, it is ordered :—

ORDER

The reference be treated as no dispute award. The application filed by the advocate for the petitioner may be treated as the part of the award.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मार्च, 2012

का.आ.1189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 34/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-03-2012 को प्राप्त हुआ था।

[सं. एल-22012/484/1994-आई आर (सी-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd March, 2012

S.O. 1189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI, and their workman, which was received by the Central Government on 02-03-2012.

[No. L-22012/484/1994-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/34/2001 Date: 23-02-2012

Party No. 1 : The District Manager,
Food Corporation of India,
Ajni, Nagpur—(MS)

Versus

Party No. 2 : The Secretary
FCI Employees Association, Nagpur Unit,
Ajni, Nagpur.

AWARD

(Dated : 23rd February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the Industrial dispute between the employers, in relation to the management of Food Corporation of India and their workman Shri A.P. Lokhande, to CGIT-Cum-Labour Court, Jabalpur for adjudication, as per letter No. L-22012/F/484/94-IR (C-II) dated 04-01-95, with the following schedule:—

"Whether the action of FCI, Nagpur in not allowing two addl. Increments w.e.f. 01-01-85 on acquiring higher qualification to Sh. A.P. Lokhande, Asstt. Grade III (D) is justified? If not, what relief is the workman entitled to?"

Subsequently, the reference was transferred to this Tribunal for adjudication in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union, "FCI Employees Association" ("the union" in short) filed the statement of claim on behalf of the workman, Shri A.P. Lokhande, ("the workman" in short) and the management of the Food Corporation of India ("Party No.1" in short) filed its written statement.

The case of the workman as presented by the union in the statement of claim is that the workman was appointed as AG-III(D) on 13-07-1977 at Nagpur and was confirmed as AG-III(D) w.e.f. 12-07-1978, after completion of his probation period satisfactorily and during his service, the workman passed M.Com examination in the year 1978 and the additional qualification was recorded in his service record after compliance of the required formalities by the workman and as per circular No. 19/1988 dated 01-07-1988, the workman was entitled for grant of two increments on acquiring additional qualification during his service carrier and accordingly, the workman applied for the benefit vide his representation dated 08-08-1988 to the Zonal Manager (W), FCI, Bombay and the workman again submitted a representation on 30-03-1999, for grant of the increments and the party no. 1 vide memo dated 31-05-1993 intimated that the workman is not eligible for grant of incentive increments under the scheme, as per item no. 2 of Headquarters' circular no. 64/86 and the workman had submitted representation, on memo dated 15-06-1978, which was received by him on 22-06-1978, within the stipulated time prescribed for submission of representation but the party no. 1 failed to communicate the decision taken on the representation of the workman till date and as no decision was received, it can be presumed that remarks against the workman were expunged and due to expunction of the remarks, party no. 1 vide office order dated 23-05-1980, confirmed the workman in the post of AG-III (D) w.e.f. 12-07-1978 and in view of the confirmation and expunction of remarks, the workman did not come under the purview of item no. 2 of the Headquarters' circular no. 64/86 dated 15-10-1986, and from the above facts, it is crystal clear that the workman is entitled for two additional increments for acquiring additional qualification during his service carrier, as per circular no. 19/1988. Prayer has been made for grant of two increments to the workman w.e.f. 01-01-1985 with arrears.

3. The party no. 1 in its written statement has admitted the appointment and confirmation of the workman as AG-III(D) w.e.f. 12-07-1978. However, the party no.1 has pleaded that the workman studied M.Com privately and no permission for executing higher studies (M.Com) was obtained by him, from the competent authority and according to the instructions laid down in the Headquarters' circular no. 40/1985, all the employees have to obtain prior

permission for prosecuting higher studies, for availing the benefits of incentive increments, but the workman did not comply with the provision as laid down in the circular no. 40/1985 and there were adverse remarks in the C.R. of the workman in the year 1977, which were duly communicated to him at relevant point of time, against which, no representation was made and therefore, the said remarks subsist as on date and adverse remarks on CR disentitle an employee to get the benefits of incentive increments, as per sub-para VII & VIII of para 4 of EP circular no. 40/1985 dated 29-07-1985 and during the service of the workman, he passed M.Com. examination in 1978 and additional qualification was recorded in his service record and as per circular no. 40/1985, employees are eligible for the benefit, subject to the terms and conditions that they should have acquired qualification from recognized university during course of their service in FCI, with prior permission of the competent authority of the corporation and they should enclose permission letter of competent authority for acquiring such qualification and it is also one of the conditions that the employee should have good record and satisfactory works performance and CR and as the workman did not enclose the copy of the permission letter from competent authority for acquiring higher qualification and adverse remarks were recorded in his CR in the year 1977, which were duly communicated to him by the party no. 1 by letter dated 23-01-1989, he was not entitled for the increments and the workman was confirmed in service on the basis of satisfactory probation reports and the workman is not entitled for any other relief.

4. In his rejoinder, it has been pleaded on behalf of the workman that the workman had applied for permission for higher studies through Asstt. Manager (D), of Bhadrawati and accordingly he had appeared in the examination of M.Com 2nd year in March, 1978 and had taken leave for appearing in the examination and on passing of M.Com examination, he applied for entry in the service book through the Asstt. Manager, FCI, Bhadrawati on 09-10-1978 and accordingly, the party no. 1 had entered the higher educational qualification in the service books and records and such entries clearly show that the workman had obtained prior permission for appearing in the examination and unless such permission had been taken, no entry should have been made by the management in the service records of the workman regarding his higher qualification and the workman had made representation against the adverse confidential reports for the year 1977 to the Regional Manager, FCI, Bombay through the Asstt. Manager (D), FCI, Bhadrawati on 27-07-1978 and the same was received by Shri Sudama Ram, the then Asstt. Manager (D), and acknowledgment was given by the said officer on the office copy of the workman and there was no communication regarding the decision taken on the representation of the workman regarding the adverse CR for the year 1977 and as such, it can be held that the workman is entitled for reliefs.

5. In this case, though the workman had filed his evidence on affidavit and evidence of one Virendra Kumar Bharti on affidavit had been filed on behalf of party no. 1, neither the workman nor the witness for the party no. 1, remained present for cross-examination and as there was no cross-examination, the oral evidence adduced by the parties cannot be taken into consideration.

6. In this case, there is no dispute that the workman was appointed as AG-III(D) and he was confirmed in the said post w.e.f. 12-07-1978. It is also not disputed that in the year, the workman passed M.Com examination and such additional qualification was entered in his service records. It is also not disputed that as per circular 19 of 1988, an employee of FCI is entitled for 2 incentive increments for acquiring higher qualification during his service period and the workman after passing M.Com examination, applied for grant of the incentive increments in terms of circular no. 19 of 1988 but management refused to grant such increments on the ground of adverse entry in the CR of the workman in 1977.

It is necessary to mention here that the party no. 1 has claimed that the workman is not entitled for the increments, as because he did not obtain prior permission of the competent authority for appearing in M.Com examination and there were the adverse entry in his CR for 1977, which made him disentitled for getting the benefit.

7. It was argued on behalf of the workman that as the additional qualification acquired by the workman was duly entered in the service records of the workman and he was permitted to appear in the M.Com examination, it can be presumed that the workman was duly permitted by the competent authority for acquiring the additional qualification. It was also submitted that both the probation reports relating to the periods from 13-07-1977 to 12-01-1978 and 13-01-1978 to 12-07-1978 of the workman were considered by the appointing authority before he was confirmed in the post and as such, the adverse remarks in the CR for the year 1977 was not required to be considered for refusing the increments and the said remarks do not hold good, in view of the probation reports and the workman had represented against the adverse CR on 27-07-1978, but no decision was conveyed to him, which is bad in law and as such, the said adverse remarks cannot be taken into account for refusal of granting increments.

8. On the other hand, it was submitted by the party no. 1 that as per office circular no. 40/1985, the employee has to obtain prior permission for pursuing his studies to get promotion, increment etc. and the workman did not obtain any prior permission from the competent authority for appearing in the M.Com examination and therefore, he is not entitled to get the increments. It was further submitted that though in the two probation reports, there was no adverse remarks against the workman, the same cannot be taken as ground that the subsequent conduct of the

workman was satisfactory and no adverse remarks can be given for the subsequent conduct of the workman and as there were adverse remark in the CR of the workman, he is not entitled for increment, as per circular 64 of 1986 and there was no representation from the side of the workman against such adverse remarks.

9. Admittedly, the workman had not filed any document to show that he had taken prior permission of the competent authority to appear in the M.Com. examination. From the mere entry in the service records of the workman regarding his acquiring of additional qualification, it cannot be held that the workman had obtained prior permission of the competent authority to appear in the examination.

It is not disputed that there was adverse remarks in the CR of the workman for 1977. As per the workman, he made representation against such adverse entry in the CR on 27-07-1978 and the management failed to communicate the decision on his representation. The party no. 1 has taken the plea that no representation was made by the workman against the adverse entry in the CR. To show that he had made representation to expunge the adverse entry, the workman has filed a copy of letter addressed to the Regional Manager, FCI Bombay through proper channel. According to the workman, the same was received by the Asstt. Manager, Shri Sudama Ram. However, on perusal of the said copy of application, it is found that though there is a initial with the date 27-07-1978 on the body of the said application, there is nothing on record to show that the said application was received by the said Asstt. Manager and the initial on the application was that of Shri Sudama Ram. There in no seal or designation below the initial appearing in the application. The workman has also not produced any document to show that his representation was submitted officially and the same was forwarded to the concerned authority. It is necessary to mention here that though in the statement of claim, it has been mentioned that the workman received the memo dated 15-06-1978 about the adverse remarks, on 22-06-1978 and made the representation on 27-07-1978, in the rejoinder it has been mentioned that the management failed to communicate the recording of ACR of 1977 to the workman prior to 1989. If the ACR of 1977 was not communicated to the workman prior to 1989, then it is not known, as to how, the workman made representation on 27-07-1978. It is also necessary to mention here that the letter intimating about the adverse CR have not been filed by the workman to show the actual date of communication of adverse remarks in the CR to him. Hence, it is doubtful that the workman had made any representation against the adverse entry in the CR.

10. Sub-clause (IV) of clause 4 of Circular 40 of 1985 provides that for grant of incentive increments for acquiring higher qualification, the employee has to produce the permission of the competent authority for acquiring such qualification. Sub-clause (VII) of clause 4 of the circular

says that grant of qualification incentive shall be subject to the good records and satisfactory work performance and CRs in respect of the concern employee.

11. In this case, the workman has not produced the permission letter of the competent authority for appearing in the M.Com. examination and there was also adverse entries in the CR for the year 1977 and as such, the workman is not entitled for the incentive increments, in view of circular 40 of 1985. Hence, it is ordered:

ORDER

The action of FCI, Nagpur in not allowing two addl. Increments w.e.f. 01-01-1985 on acquiring higher qualification to Sh. A.P. Lokhande, Asstt. Grade III (D) is justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मार्च, 2012

का.आ.1190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 52/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-03-2012 को प्राप्त हुआ था।

[सं. एल-22012/367/2002-आई आर (सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 2nd March, 2012

S.O. 1190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Murpar Project of (Umrer Area of WCL, WCL Contractor, Singhnagar, Dahegaon, and their workmen, received by the Central Government on 02-03-2012.

[No. L-22012/367/2002-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/52/2006

Date: 28-02-2012

- Party No. 1 (A) : The Sub Area Manager, WCL
Murpar Project of (Umrer Area) of WCL,
Post: Khadsanghi, Tah-Chimur,
Distt. Chandrapur (MS)
- (B) : M/s. Singh & Sons,
WCL Contractor, Singhnagar, Dahegaon
Chhindwara Road, Distt. Nagpur (MS)

Versus

Party No. 2 : Shri Pandhari S/o. Sh. Mahadev Walake,
R/o. Khadsangi, Post: Khadsangi,
Teh.-Chimur, Distt. Chandrapur
Maharashtra.

AWARD

(Dated : 23th February, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the Industrial Dispute between the employers, in relation to the management of WCL and their workman Shri Pandhari Mahadev Walake, for adjudication, as per letter No. L-22012/367/2002-IR (CM-II), dated 21-03-2006, with the following schedule:—

"Whether the action of the management of WCL and M/s. Singh & Sons Contractor of WCL in terminating the services of Shri Pandhari S/o. Mahadev Walake, is legal and justified? If not, what relief he is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Shri Pandhari Walake, ("the workman" in short) and the management of the WCL ("Partry No.1" in short) filed its written statement.

The case of the claimant is that there is a coal mine at Murpar, which is known as "W.C. Ltd. Murpar Project" and the same is under the control and supervision of party no. 1 (a) i.e. Sub-Area Manager, Murpar Project and party no. 1(a) engaged M/s. Bharat Gold Mines Ltd., Karnataka for the purpose of preparing underground road upto the border of coal for the said coal mine and the contract of the said work was from 1992 to 1996 and the party no. 1(a) also engaged party no. 1 (b), M/s. Singh & Sons in its work w.e.f. 05-01-1997 and till party no. 1 (b) is working with party no. 1 (a) for the purpose of preparing the underground roads for functioning of the said coal mine and he was engaged by M/s. Bharat Gold Mines Ltd., Karnataka as a pump khalasi on 28-10-1993 and he continued to work till 02-07-1996 and, thereafter, his services were utilized by party no. 1 (b) w.e.f. 01-05-1997 continuously till 28-12-2001 and party no. 1 (a) sent him for vocational training from time to time and he had under gone the said training successfully and as such, he is a workman/employee of party no. 1 (a) and party no. 1(a) is the principal employer and his appointment by both the contractors was oral and the party no. 1 (b) terminated his services orally w.e.f. 29-12-2001 and he had worked for more than 240 days preceding to his termination and while terminating his services, mandatory provisions of Section 25-F of the Act were not complied with and neither one

month's notice nor one month's wages in lieu of notice nor retrenchment compensation was paid to him by parties no. 1 (a) and (b) and as such termination of his services is illegal and though at the time of his termination, more than 700 workers were working with parties no. 1 (a) and (b), they did not prepare and publish final seniority list of all the workers including himself, at least seven days prior to the termination, as provided under Rule 77 of the Industrial Disputes (Central) Rules, 1957 and there was no compliance of Section 25-F of the Act and the termination of his services amounted to retrenchment and at the time of his retrenchment, plenty of work was available and now also, plenty of work is available with parties no.1(a) and 1(b), but they did not re-employ him in violation of Section 25-H of the Act. It is further pleaded by the claimant that he alongwith other workers had submitted charter of various demand to the parties no.1(a) and 1 (b) but they did not fulfill the same and for that a dispute was pending before the ALC (C) Chandrapur and for the said reason, his services with many other workers were terminated and wages for December 2001 was not paid to him and as party no. 1 was the principal employer and party no. 1 (b) was the contractor of party no. 1 (a), for each and every act of the party no. 1(b), the party no. 1 (a) was responsible and as such, the party no. 1 (a) is responsible for his illegal termination. The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party no. 1 (a) resisted the claim filing its written statement. It is necessary to mention here that inspite of notice, party no. 1 (b) neither appeared in the case nor contested the claim.

In its written statement, the party no. 1 (a) has pleaded inter-alia that it had entered into a contract with M/s. Bharat Gold Mines Limited for carrying out open excavation, for construction of a pair of inclines and inclined shaft sinking in the coal mine of Murpar Project and as per the terms of contract, the open excavation work was to be completed within a period of 3½ months and the incline shaft driveage within eight months and it also awarded another contract to party no. 1 (b) for construction of driveage of a pair of incline shaft through sedimentary rocks like sand stone from seam VII to seam V at Murpar project of which the date of commencement and completion were 01-01-1997 and 28-02-1998 respectively and after a gap of 15 months, another contract was given to party no. 1(b) for construction of driveage of incline shaft at Murpar project and the dates of commencement and completion of the said contract were 29-05-1999 and 01-12-2001 respectively and it [party no.1 (a)] was related to party no. 1(b) only as per the terms of contract and it was not at all responsible for providing employees to the contractors and it was the duty of the contracts to appoint the employees as per their need. It is further pleaded by the party no. 1 (a) that as per the provisions of the Mines Act, every person, whether employed by the principal employer or the contractor,

whether in a casual capacity or in permanent capacity, to work in an underground mine, is required to be imparted vocational training by the principal employer and the cost of the training is borne by the contractor concerned and the engagement of the labourers was the job of the contractor and it was no way involved in the matter and no document has been produced by the workman to show that he was appointed by it and the contractor had appointed the workman till the completion of the contract and the documents filed by the workman show that he was appointed by party no. 1 (b) for contract works at Murpar project, as a temporary contingent labour in the project and in view of the principles enunciated by the Hon.ble Apex Court in the case of State of Karnataka Vs. Umadevi, Union Public Service Commission Vs. Girish Jayanti [2006 (2) Scale 115] and many others, the workman is not entitled for regularization or reinstatement in service as he was a temporary workman.

The further case of party no. 1(a) is that it has been entering into various contracts with various persons and such and every contract is an independent contract, which cannot be clubbed with each other and there was no nexus between the contract given to M/s. Bharat Gold Mines Ltd. and the contract given to party no. 1 (b), as they were of having different legal entities and if they had engaged the same workman for doing separate works, the workman did not become permanent or entitle for regularization and there was never any relationship of employer and employee between it and the workman and he was never in its employment and as such, there was no question of compliance of the principles of section 25-F, 25-G or H of the Act or payment of wages by it to the workman and the workman is not entitled for any relief.

4. It is necessary to mention here that though the applicant had filed his own evidence on affidavit in support of his claim, subsequently, he did not appear to face the cross-examination. Management also remained absent. As both the parties remained absent and none appears on behalf of either of the parties, the case was closed on 28-02-2012 and was posted for award.

It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced, the party invoking the jurisdiction of the court must fail. Whenever, a workman raises a dispute challenging the validity of termination of service, it is imperative for him to file written statement of claim before the Industrial Tribunal, setting out grounds, on which the order is challenged and he also must produce evidence to prove his case. If the workman fails to appear or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he would not be entitled to any relief.

In this case, though the claimant had filed the statement of claim, he failed to appear or to produce

evidence to prove his case. Hence it is found that the claimant has failed to prove his case and therefore, he is not entitled to any relief. Hence, it is ordered:-

ORDER

The reference is answered against the claimant and the claimant, Shri Pandhari Mahadev Walake is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 5 मार्च, 2012

का.आ.1191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ एल सी सं. 125/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-02-2012 को प्राप्त हुआ था।

[सं. एल-39025/1/2010-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 5th March, 2012

S.O. 1191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. LC No. 125/2006) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 12-02-2012.

[No. L-39025/1/2010-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERBAD

PRESENT :- Shri Ved Prakash Gaur Presiding Officer

Dated the 29th day of November, 2011

INDUSTRIAL DISPUTE L.C.No. 125/2006

Between:

Sri Ch. Jagannadha Reddy,
S/o. Late Raja Reddy,
R/o. MIG 61, Madhavadhara HUDA Colony,
Marripalem P.O.
Visakhapatnam-530 018

.... Petitioner

AND

1. The Chairman & Managing Director,
Visakhapatnam Port Trust,
Visakhapatnam

2. The Deputy Chairman,
Visakhapatnam Port Trust,
Visakhapatnam
 3. The Chief Medical Officer,
Visakhapatnam Port Trust,
Visakhapatnam
-Respondents

Appearances:

- For the Petitioner : M/s. Dr. P.B. Vijaya Kumar and
A.V.S. Laxmi, Advocates
- For the Respondent : M/s.D.V. Subba Rao and D.V.S.S.
Somayajulu, Advocates

AWARD

Sri Ch. Jagannadha Reddy, ex-employee of Visakhapatnam Port Trust has filed this petition under Sec. 2A (2) challenging the punishment order of dismissal dated 14-7-2003.

2. The Petitioner alleged in his claim statement that he joined in the Respondent's organization on 22-1-1971 as Messenger. Subsequently he was promoted as clerk in the year 1973 and later as Junior Assistant in the year 1985. While so, he was issued with charge sheet dated 3-12-1988 alleging that he has sent two letters to the Superintendent of Police, C.B.I. Visakhapatnam containing allegations the CMO and others, Visakhapatnam Port Trust for which Petitioner gave explanation. Management instituted enquiry proceeding, upon proving charges he was reverted to lower post of Peon by the 3rd Respondent. As he approached Hon'ble High Court of A.P. Hyderabad by W.P. 7150/1990, his punishment of reversion was quashed, but he was dismissed from service by the Respondent vide proceedings dated 14-07-2003 which is illegal, arbitrary and contrary to the provisions of Industrial Disputes Act, 1947, Hence, this petition.

3. Respondent filed counter statement stating therein that there was no violation of statutory provisions or the rules which are applicable to him in initiating and conducting the disciplinary proceedings relating to the charge sheet issued to the workman. The punishment imposed on the Petitioner is in accordance with law and there is no disproportionality of the punishment for the misconduct committed as such, the proceedings dated 14-7-2003 is in accordance with law and the Petitioner is not entitled for reinstatement. Hence, the petition is liable to be dismissed.

4. On 29-11-2011 both parties called absent. Respondent has not filed documents in support of his counter statement and Petitioner also has not filed evidence in support of claim, as such petition is dismissed in absence of evidence. Accordingly, a Nil Award is passed in absence of evidence.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 29th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

| | |
|--|--|
| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|--|--|

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 6 मार्च, 2012

क्र.आ.1192.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 उप-धारा(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध छत्तीसगढ़ राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

तहसील आरंग, जिला रायपुर में राजस्व ग्राम-मंदिर हसौद, कुरुद, नकटी, धनसूली, बहनाकाड़ी, मुनरेठी, जुगेसर, सोनपैरी, कुटेसर, गोदी, सिवनी, बकतरा, दरबा, दक्षिण खुटेरी, उमरिया, परसदा, नवागांव, (छतौना), छतौना, रीको, सेंध, पलौद, चीचा, बरौदा, कोटरापाटा, कयाबांघा, चंदखुरी, मुनगी, नरदहा, खपरी तथा

तहसील रायपुर, जिला रायपुर में राजस्व ग्राम-टेमरी, फुंउहर, लाभाडी, तामासिवनी, दोदेखुर्द, सारागांव, सकरी, दलदलसिवनी, सड्डू ज़िरो पॉइंट, माना तथा माना एयरपोर्ट के अर्न्तगत आने वाले क्षेत्र ।

[सं. एस-38013/10/2012-एस एस-1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 6th March, 2012

S.O. 1192.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Chhattisgarh namely:-

Revenue Villages of Mandir Hasaud, Kurud, Nakti, Dhansuli, Bahanakadi, Munraithi, Jugaisar, Sonpairi, Kutaisar, Godhi, Shivani, Baktara, Darba, South, Khuteri,

Umariya, Parsada, Nava Gaun (Chhatauna), Chhatauna, Reeko, Sendh, Palaud, Chhecha, Barauda, Kotrabhata, Kayabadha, Chandkhuri, Munagi, Nardha, Khapari in Tehsil-Arang, District- Raipur and

Revanue Villages of Temari, Funuhar, Labhandi, Tamasivani, Dodekhurd, Saragaon, Sakari, Daldalsivani, Saddu, Zero Point, Mana and Mana ariport area in Tehsil- Raipur, District- Raipur.

[No. S-38013/10/2012-S.S.-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 6 मार्च, 2012

का.आ.1193.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध छत्तीसगढ़ राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

“तहसील धमतरी, जिला धमतरी में राजस्व ग्राम धमतरी, रुद्री, अर्जुनी, संबलपुर, रत्नाबांधा, आमदी, अछोटा, तथा धमतरी नगरपालिका की सीमाओं के अंतर्गत आने वाले सभी क्षेत्र ।”

[सं. एस-38013/09/2012-एस एस-I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 6th March, 2012

S.O. 1193.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Chhattisgarh namely:-

“Revenue Villages of Dhamtari, Rudri, Arjooni, Sambalpur, Ratnabandha, Amadi, Achhota, and all the areas falling within the Municipal limits of Dhamtari in Tehsil Dhamtari, District Dhamtari”

[No. S-38013/09/2012-S.S.-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 7 मार्च, 2012

का.आ. 1194.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के

अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

| क्र.सं. | राजस्व ग्राम का नाम | होबली | तालुक | जिला |
|---------|---------------------|--------|--------|--------|
| 1. | कोप्पल | कोप्पल | कोप्पल | कोप्पल |
| 2. | गिणिगेरा | कोप्पल | कोप्पल | कोप्पल |
| 3. | कनकापुर | कोप्पल | कोप्पल | कोप्पल |
| 4. | हिरेशगनाल | कोप्पल | कोप्पल | कोप्पल |
| 5. | अल्लानगर | कोप्पल | कोप्पल | कोप्पल |
| 6. | बेविनहल्ली | हिदनाल | कोप्पल | कोप्पल |

[सं. एस-38013/13/2012-एस एस-I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 7th March, 2012

S.O. 1194.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :—

| Sl. No. | Name of the Rev. Village or Municipal Limits | Hobli | Taluk | District |
|---------|--|--------|--------|----------|
| 1. | Koppal | Koppal | Koppal | Koppal |
| 2. | Ginigera | Koppal | Koppal | Koppal |
| 3. | Kanakapur | Koppal | Koppal | Koppal |
| 4. | Hirebaganal | Koppal | Koppal | Koppal |
| 5. | Allanagar | Koppal | Koppal | Koppal |
| 6. | Bevinahalli | Hitnal | Koppal | Koppal |

[No. S-38013/13/2012-SS-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 7 मार्च, 2012

का.आ.1195.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी

है) के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

| क्र.सं. | राजस्व ग्राम का नाम | होबली | तालुक | जिला |
|---------|---------------------|--------|-------|--------|
| 1. | वरूर | छेब्बी | हुबली | धारवार |

[सं. एस-38013/14/2012-एस एस-1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 7th March, 2012

S.O. 1195.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :—

| Sl. No. | Name of the Rev. Village or Municipal Limits | Hobli | Taluk | District |
|---------|--|--------|-------|----------|
| 1. | Varur | Chebbi | Hubli | Dharwar |

[No. S-38013/14/2012-SS-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 7 मार्च, 2012

का.आ.1196.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध छत्तीसगढ़ राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"तहसील दुर्ग, जिला दुर्ग में राजस्व ग्राम रसमड़ा, बोरई, अंजोरा, जेवरा, सिरसा, कुथेरल, तथा तहसील राजनांदगांव जिला राजनांदगांव में राजस्व ग्राम मुडीपार, परमारकसा, पोटीयाकला, अंजोरा के अंतर्गत आने वाले सभी क्षेत्र । "

[सं. एस-38013/11/2012/एस एस-1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 7th March, 2012

S.O. 1196.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which

the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Chattisgarh namely:—

"Areas falling within the revenue villages of Rasmara, Borai, Anjora, Jewara, Sirsa, Kuthrel in Tehsil Durg, District Durg and revenue villages of Mudipar, Parmarkasa, Potayakala, Anjora in Tehsil Rajnandgaon, District Rajnandgaon."

[No. S-38013/11/2012-SS-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 13 मार्च, 2012

का.आ.1197.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अप्रैल, 2012 को उस तारीख के रूप में नियम करती है जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 (धारा-76 की उप-धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

| क्र.सं. | राजस्व ग्राम का नाम | होबली | तालुक | जिला |
|---------|---------------------|-----------|------------|---------------|
| 1. | मेड़हल्ली | बिदरहल्ली | के.आर.पुरम | बेंगलूर पूर्व |
| 2. | बैयप्पनहल्ली | बिदरहल्ली | के.आर.पुरम | बेंगलूर पूर्व |
| 3. | बोम्मेनहल्ली | बिदरहल्ली | के.आर.पुरम | बेंगलूर पूर्व |
| 4. | कोप्पतिम्मनहल्ली | लक्कूर | मालूर | कोलार |

[सं. एस-38013/12/2012-एस एस-1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 13th March, 2012

S.O. 1197.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely:-

| Sl. No. | Name of the Rev. Village or Municipal Limits | Hobli | Taluk | District |
|---------|--|-------------|------------|----------------|
| 1. | Medahalli | Bidarahalli | K R. Puram | Bangalore East |
| 2. | Byappanahally | Bidarahalli | K R. Puram | Bangalore East |

3. Bommenahally Bidarahalli K R Puram Bangalore East
 4. Koppalthimmanahalli Lakkur Malur Kolar

[No. S-38013/12/2012-SS-I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 14 मार्च, 2012

का.आ.1198.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का.आ. दिनांक 14-09-2011 द्वारा नाभिकीय ईंधन, संघटक, भारी पानी और संबद्ध रसायन तथा आणविक ऊर्जा जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 28 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 14-09-2011 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 14-03-2012 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एस-11017/3/97-आई आर (पी एल)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 14th March, 2012

S.O.1198.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour & Employment dated 13-09-2011 the service in the Industrial Establishments manufacturing or producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals and Atomic Energy which is covered by item 28 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a Public Utility Service for the purpose of the said Act, for a period of six months from the 14th September 2011.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a Public Utility Service for the purposes of the said Act, for a period of six months from the 14th March, 2012.

[No. S-11017/3/97-IR(PL)]

CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 19 मार्च, 2012

का.आ.1199.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2012 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध हरियाणा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

| क्रमांक | राजस्व भाग | हदबस्त सं. | तहसील | जिला |
|---------|--|------------|-----------|----------|
| 1. | प्याला | 54 | बल्लवगढ़ | फरीदाबाद |
| 2. | असावठी | 51 | बल्लवगढ़ | फरीदाबाद |
| 3. | फरक्कपुर | 468 | जगाधरी | यमुनानगर |
| 4. | ससौली | 420 | जगाधरी | यमुनानगर |
| 5. | एच एस आई आई डी सी (सै 30ए, 30बी, 31बी, 33बी, एवं 33सी)-[बलियाणा गांव से अर्जित (Acquired)] | 58 | रोहतक | रोहतक |
| 6. | हसनगढ़ | 567 | साम्पला | रोहतक |
| 7. | गुधाना | 70 | बहादुरगढ़ | झज्जर |
| 8. | वीर बरखाबाद (नया गांव) | 63 | बहादुरगढ़ | झज्जर |
| 9. | गंगवा | 166 | हिसार | हिसार |
| 10. | खरड़ अलीपुर | 149 व 150 | हिसार | हिसार |

[सं. एस-38013/15/2012-एस एस-I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 19th March, 2012

S.O.1199.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2012, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely:—

| Sl. No. | Name of the Rev. Village | Had bast Number | Name of Tehsil | Name of District |
|---------|---|-----------------|----------------|------------------|
| Sl. No. | Name of the Rev. Village | Had bast Number | Name of Tehsil | Name of District |
| 1. | Piala | 54 | Ballabgarh | Faridabad |
| 2. | Asawati | 51 | Ballabgarh | Faridabad |
| 3. | Farakpur | 468 | Jagadhri | Yamunanagar |
| 4. | Sasauli | 420 | Jagadhri | Yamunanagar |
| 5. | HSIDC (Sec-30A, 30B, 31B, 33B & 33C, (Acquiring land of Baliana Village), Rohtak. | 58 | Rohtak | Rohtak |
| 6. | Hasangarh | 567 | Sampla | Rohtak |
| 7. | Gubhana | 70 | Bahadurgarh | Jhajjar |
| 8. | Veer Barkhtabad | 63 | Bahadurgarh | Jhajjar |
| 9. | Gangwa | 166 | Hissar | Hissar |
| 10. | Kharar Alipur | 149 & 150 | Hissar | Hissar |

[No. S-38013/15/2012-S.S. I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 20 मार्च, 2012

का.आ.1200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट पार्ट-II (संदर्भ संख्या सीजीआईटी-2/56 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-02-2012 को प्राप्त हुआ था।

[सं. एल-12012/69/2003-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 20th March, 2012

S.O. 1200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Part-II (in Ref. No. CGIT-2/56 of 2003) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 08-02-2012.

[No. L-12012/69/2003-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT TRIBUNAL
NO. 2, MUMBAI****PRESENT : K. B. Katake, Presiding Officer****Reference No. CGIT-2/56 of 2003****Employers in Relation to the Management of Punjab
National Bank**

The Manager
Punjab National Bank
Vasco-da-Gama
Goa 403 802

AND

Their Workman

Shri Gurudas Sadanand Borkar
House No. 39, Tailiwada
Near Narayan Temple
Borim, Ponda (PO)
Goa.

APPEARANCES :

For the Employer : Mr. D.P. Karpe, Advocate

For the Workman : Mr. L. V. Palekar, Advocate

Mumbai, dated the 5th January, 2012

AWARD PART-II

1. The Government of India, Ministry of Labour & Employment by its Order No. L-12012/69/2003-IR (B-II), dated 11-09-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following Industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab National Bank, Vasco-da-Gama Branch Goa in discharging Shri Gurudas Sadanand Borkar, Peon from the services w.e.f. 1-10-2001 is legal and justified? If not, what relief the workman is entitled for?”

2. The second party workman was serving with the first party as Peon. It is alleged that he was absent from duty from 27-4-2001 to 31-5-2001. As he did not obtain any leave and did not give any intimation to the Bank, he was served with the chargesheet for unauthorized absence. As his explanation was not satisfactory, management initiated inquiry. They appointed inquiry officer who conducted the inquiry. The second party took part in the inquiry. The inquiry officer held guilty for his absenteeism and suggested punishment of termination of his services. The report of inquiry officer was served on the second party with findings. His explanation was called for. Management considered the report and explanation of the workman and terminated his services w.e.f. 1-10-2001.

3. The workman has raised industrial dispute. As the matter could not be settled in conciliation proceeding, as per the report ALC (C), Goa, the Ministry send the reference to this Tribunal, In part-I award, my Id. Predecessor held that the inquiry was fair and proper. He also held that the findings of inquiry officer are not perverse. Therefore, both the parties were directed to remain present for hearing on the point of punishment.

4. Following are the remaining issues for my determination framed by my Ld. Predecessor. I record my findings thereon for the reasons to follow :

| Sr. No. | Issues | Findings |
|---------|---|----------|
| 3. | Is punishment proportionate? | No. |
| 4. | Is second party entitled for reinstatement? | Yes. |

REASONS

Issues No. 3 & 4 :

5. According to the first party, the workman remained absent from 27-4-2001 to 31-5-2001 without leave and without any intimation to the Bank. Therefore, the punishment is proportionate to the proved misconduct. He further submitted that in the circumstances of absenteeism, punishment of termination of services cannot be said shockingly disproportionate. The Id. Adv. further argued that as the inquiry was held fair and proper and the findings of IO are held not perverse, in this Part-II Award, the Tribunal should not interfere in the punishment of termination of service awarded by the management.

6. As against this the Id. Adv. for the second party workman submitted that the second party has worked sincerely for about 24 years. He was absent from 27-4-2001 to 31-5-2001. According to him the message was given to the Branch Manager by the workman through his colleague that, due to severe chest pain and ill health he was unable to attend his duty. He was to give application to the Branch Manager. However before that Branch Manager served him with a chargesheet dt. 6-6-2001. According to him, the service record of the workman of 24 years in unblemished. He could not attend the duty as he was taken ill and suffering from severe chest pain. In the circumstances, the punishment of termination of his services for absence from duty only for 35 days is to doubt shockingly disproportionate. In support of his argument, the Id. Adv. for the second party resorted to Apex Court ruling in Chairman-cum-Managing Director, Coal India Ltd. & anr. V/s. Mukul Kumar Choudhari & Ors. 2009 III CLR 645. In that case the charge against the respondent therein was proved that he was unauthorisedly absent from duty for 6 months. His services were terminated. In that case though the inquiry was held fair and proper, the Hon'ble Court upheld the order of reinstatement without back-wages. In that case the Hon'ble Court observed that;

“After considering facts and circumstances on record, it is observed that punishment is not only unduly harsh but grossly in excess to the allegations.”

In that case, the unauthorized absence of workman for 6 months was proved. In spite of that Hon'ble Apex Court held that punishment of termination of his services was unduly harsh and grossly in excess to the misconduct proved against him. In the case at hand, the workman was

absent only for 35 days. He was absent for such a small term on the ground of ill health. Therefore ratio laid down in this ruling is applicable to the facts of the case in hand.

7. Ld. Adv. for the second party in support of his argument also resorted to another Apex Court ruling in Scooter India Ltd. V/s. Labour Court, Lucknow AIR 1989 SC 149, wherein the Hon'ble Court held that, though the disciplinary inquiry was held fair and legal and findings of the IO are held not perverse, the Labour Court can set aside the order of termination and can reinstate the employee for good reasons. Such an order of Labour Court is quite legal and valid.

8. The Id. Adv. further submitted that, the services of the workman was unblemished for 24 years. In the circumstances his service should not be terminated on the ground of absenteeism for a short period. In support of his argument he resorted to another Apex Court ruling in Ramakant Mishra V/s. State of UP 1982 (45) FLR 432(SC) wherein Hon'ble Apex Court set aside the order of termination of service looking into the unblemished conduct of 14 years' service of the appellant and directed reinstatement with backwages and withheld two last increments of the appellant.

9. In the case at hand, there is no other allegation of any other misconduct. Therefore in the light of ratios laid down by Hon'ble Apex Court in the above rulings, I hold that the punishment imposed by the first party is unduly harsh and grossly excess. Thus I think it proper to set aside the order of termination of his services passed by the management and I hold that the workman is entitled to be reinstated. In respect of back-wages, I would like to point out that the workman was not on duty since October 2001. Though order of termination of his services is set aside, his misconduct of absenteeism of 35 days was proved. Though the punishment is found disproportionate, the misconduct was proved. In the circumstances I think it proper to grant back-wages @ 50% since the date of termination of his services till the date of his reinstatement, if not reached to the age of retirement or till the date of retirement if already reached with all retirement and pensionary benefits.

ORDER

- (i) The order of termination of services of the workman is hereby set aside.
- (ii) The first party is directed to reinstate the second party workman with 50% backwages from the date of his termination till the date of his reinstatement or retirement as the case may be.
- (iii) On retirement the second party is entitled to all the retirement and pensionary benefits available to him.

Date: 05-01-2012

K.B. KATAKE, Presiding Officer